Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300
Call 711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 24, 2021

Albert Sze
North American Asset Management Group LLC
1550 140th Avenue NE, Suite 201
Bellevue, WA 98005
albert@northamamg.com

Re: No Further Action at the following Site:

- **Site Name:** Jefferson Avenue Site
- **Property Address:** 2112-2122 Jefferson Avenue, Tacoma, Pierce County, WA 98402
- **Facility/Site Number:** 1277004
- **Cleanup Site ID Number:** 7037
- **VCP Project Number:** SW1724

Dear Albert Sze:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Jefferson Avenue Site facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA),[1] chapter 70A.305 Revised Code of Washington (RCW).[2]

Issue Presented and Opinion

Ecology has determined that no further remedial action is necessary to clean up the soil and groundwater contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, chapter 70A.305 RCW, and its implementing regulations, Washington Administrative Code (WAC) chapter 173-340[3] (collectively "substantive requirements of MTCA"). The analysis is provided below.

[1] https://fortress.wa.gov/ecy/publications/SummaryPages/9406.html
[2] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305
[3] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340

Description of the Site

This opinion applies to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:

- Petroleum hydrocarbons in the soil and groundwater.
- Arsenic in the groundwater.

Enclosure A includes a detail description and diagram of the Site, as currently known to Ecology.

Basis for the Opinion

This opinion regarding the soil and groundwater at the Site is based on the information contained in the following documents:

1. Landau Associates, Inc., *Groundwater Monitoring Results & Restrictive Covenant Release, Tacoma Town Center/Jefferson Avenue Site*, November 3, 2020.
2. Ecology and Environment, Inc., *Targeted Brownfields Assessment Report, Jefferson Avenue Site*, January 2013.
3. Ecology, *No Further Action Letter, 2112 – 2122 Jefferson Avenue Site (aka City Properties Cleanup), Tacoma, Washington*, February 12, 2014.
4. Environmental Covenant. Number 201312260516, dated 12/26/2013, Pierce County, Washington. Grantor: City of Tacoma.
5. Tacoma Pierce County Health Department, *Underground Storage Tank Removal: Site Closure Determination, 2112 Jefferson Avenue, Tacoma, Washington, Parcel Number: 2021080011*, February 14, 2013.
6. Ecology, Letter to Mr. Rae Bailey (City of Tacoma Public Works Department) from Scott Rose (Ecology). RE: Further Action Determination Letter, May 15, 2006.
7. City of Tacoma, *Transmittal of Site Remediation Reports, 2112-2122 Jefferson Avenue*, April 26, 2006.
8. Nowicki Associates (Nowicki), *4th Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington*, April 5, 2005.
9. Nowicki, *4th Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington*, February 4, 2005.

10. Nowicki, *3rd Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington*, November 16, 2004.

11. Nowicki, *2nd Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington*, July 29, 2004.

12. Nowicki, *1st Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington*, April 14, 2004.

13. Nowicki, *Groundwater Monitoring Well Installation Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington*, September 9, 2003.

14. Nowicki, *Subsurface Site Characterization Report, 2112-2122 South Jefferson Avenue, Tacoma, Washington*, April 25, 2003.

15. Robinson Noble Saltbush, Inc., *Subsurface Investigation Activities Report, 1401 Sprague Avenue, Tacoma, Washington*, June 7, 2007.

16. Clayton Environmental Consultants, *Phase I Environmental Site Assessment, 2112 – 2122 South Jefferson Avenue, Tacoma, Washington*, May 1999.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. Information on obtaining those records can be found on Ecology's public records requests web page.[4] Some site documents may be available on Ecology's Cleanup Site Search web page.[5]

This opinion is void if any of the information contained in those documents is materially false.

Analysis of the Cleanup

Ecology has concluded that **no further action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described in **Enclosure A.**

Site Background

The Jefferson Avenue Site, aka City Properties Cleanup Site, is located at 2112-2122 Jefferson Avenue in Tacoma, Pierce County, Washington. The Property occupies approximately 3 acres with two parcel numbers designated by the Pierce County Assessor as R2021080011 and R2021090020.

[4] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests
[5] https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=7037

Both parcels were vacant as the structures and the infrastructures were removed in 2002. The Site is located in a mixed commercial, light industrial and residential zoning area in downtown Tacoma.

Historically, various portions of the Jefferson Avenue Site have been in use since 1896. Prior to 1910, the Site, and the entire area surrounding it, was platted into city blocks of downtown Tacoma. Residential occupation dominated the land use until mid-1930s, when commercial occupation began to displace residences. The commercial uses included gas stations, automobile repair, and a pest control company.

The parcel at 2112 Jefferson Avenue was a residential until approximately 1945 when Herman's gasoline station was constructed. The building continued to serve as a motor vehicle service facility until 2000.

The parcel 2122 Jefferson Avenue was vacant land until the Ostby's Used Cars business went into operation in 1930. The building was enlarged and used for vehicle sales/rentals, vehicle repairs, welding shop, and steel fabrication. As part of this operation, two gasoline underground storage tanks (USTs), one 500 gallon UST, one 1,800 gallon UST, and one hoist, were formerly present at the Site. The USTs were removed in 2002 along with the abandoned hydraulic hoist and other on-Property structures.

During these activities, soil and groundwater at the Site were found to be contaminated with gasoline-range petroleum hydrocarbons (TPH-G), diesel-and oil-range petroleum hydrocarbons (TPH-D and TPH-O), and/or benzene, toluene, ethylbenzene, and xylene (BTEX) compounds.

In October 2017, the City of Tacoma sold the property to North American Asset Management Group, LLC (NAAMG). Currently the property is being developed as residential units and offices.

Site Investigations

Underground Storage Tanks Removal – 1995

In February 1995, the property owner hired Specialized Environmental Consulting, Inc. (SEC) for removing four USTs at 2112 South Jefferson Avenue. At the time, the property was the location of a car retail shop and gas station. Three 2,000 gallon and one 10,000 gallon USTs and the associated piping system were removed. Approximately 600 to 800 cubic yards of contaminated soil was excavated and stock piled on the Site. In May 1996, five soil samples were collected from the stock-pile and analyzed for petroleum constituents. No petroleum hydrocarbons were detected in the soil samples. The soil was transported off-Site for disposal.

Phase I Environmental Site Assessment – 1999

In May 1999, Clayton Environmental Consultants (Clayton) completed a Phase I Environmental Site Assessment (ESA) at the Site for the City of Tacoma. The ESA identified a former automobile repair garage, an automobile sales business, and a used automobile sales business at the Site.

The Phase I ESA indicated that several floor drains were observed in a former repair garage at 2112 South Jefferson Avenue and an oil/water separator was observed in a bermed area of the on-Site parking lot at 2122 South Jefferson Avenue. The oil/water separator was suspected of being in a former car wash area. The businesses at 2112 and 2120 South Jefferson Avenue each contained a hydraulic hoist. The Phase I ESA also indicated that up to nine USTs may have once existed at the Site on the properties at 2112 (three leaded gasoline, one diesel, and one waste oil UST) and 2122 South Jefferson Avenue (four USTs with unknown contents). The 1999 Phase I ESA Site features are shown on Figure 3 in Enclosure B.

Underground Storage Tanks and Hoist Removal – 2002

In August 2002, one 500 gallon waste oil and one 1,800 gallon gasoline UST and associated piping system were removed. The removed USTs were observed to be in good condition with minimal surface corrosion and no holes. Product release was assumed due to leak(s) from the piping. Petroleum contaminated soil was confirmed at the USTs excavation.

A total of approximately 175 cubic yards of gasoline-impacted soil was removed from the UST excavation and transported off-Site for treatment and disposal. The final confirmation soil samples were collected from the excavation base and sidewalls at various depths. The results indicated that TPH-G and BTEX concentrations were not detected either above the laboratory detection limits or below the MTCA Method A cleanup levels.

The results of a grab water sample collected from the tank excavation showed TPH-G and benzene concentrations of 2,800 micrograms per liter (µg/L) and 19 µg/L, respectively. These concentrations exceeded the MTCA Method A cleanup level of 800 µg/L and 5 µg/L, respectively.

In August 2002, an abandoned hoist was discovered at 2112 South Jefferson Avenue. Approximately 220 cubic yards of petroleum impacted soil were excavated and transported off-Site for treatment and disposal. The final confirmation soil samples were collected from the excavation base and sidewalls at various depths. The results indicated that the TPH-G and BTEX concentrations were not detected either above the laboratory detection limits or below the MTCA Method A cleanup levels.

A grab water sample was collected from the excavation pit showed TPH-D and TPH-O concentrations of 11,000 µg/L and 8,600 µg/L, respectively, exceeding the combined MTCA Method A cleanup level of 500 µg/L. Locations of USTs, hoist, and approximate extent of soil excavation are shown on Figure 4 in Enclosure B.

Subsurface Site Characterization – 2003

In April 2003, Nowicki Associates (Nowicki) completed a subsurface Site Characterization investigation at the Site. Thirteen soil borings (SB1, SB1C, SB2A, and SB3 through SB12) were drilled ranging from 4 feet to 13 feet below ground surface (bgs) near former USTs and hoist excavation areas and other suspected surficial impacted locations. Based on the soil field screening results, 18 subsurface soil samples were collected.

In addition, nine groundwater samples were collected at selected borings (SB1, SB2A, SB3 through SB8, and SB12). Groundwater was not encountered in borings SB1C, SB9, SB10, and SB11 because of their shallow depth, which ranged from 2 to 4 feet bgs.

All soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, and BTEX compounds. A soil sample collected from SB8 was also analyzed for the full suite of volatile organic compounds (VOCs) and total metals. TPH-D (23 milligrams per kilogram [mg/kg] to 240 mg/kg) and TPH-O (129 mg/kg to 370 mg/kg) were detected in borings SB2A, SB3, and SB18, below the combined MTCA Method A cleanup level of 2,000 mg/kg. Analytical results of the soil sample collected from SB18 at 18 inches bgs indicated the presence of TPH-G at 280 mg/kg, which exceeded the MTCA Method A cleanup level of 30 mg/kg. None of the contaminants were detected in any other soil samples.

TPH-D and TPH-O were detected in grab groundwater samples collected from soil borings SB3, SB5, and SB6. The highest concentrations were detected in SB6 and showed TPH-D at 5,300 µg/L and TPH-O at 3,400 µg/L, which exceeded the combined MTCA Method A cleanup level of 500 µg/L. Locations of soil borings and soil sample results are shown on Figure 5 in Enclosure B.

Groundwater Monitoring – 2003 and 2004

In September 2003, six permanent groundwater monitoring wells (MW-1 through MW-6) were installed at 2112 and 2122 South Jefferson Avenue. Between March 2004 and March 2005, five rounds of quarterly groundwater monitoring were. All the water samples were analyzed for TPH-G, TPH-D, TPH-O, and BTEX.

The only exceedance of TPH-D occurred during the third event in October 2004; however, the results of next two rounds of monitoring were all below the laboratory detection limits. The source of contamination in this well during the third round was suspected to be a surface source, such as asphalt debris and construction equipment at the Site. Groundwater monitoring well locations (Figure 6) and groundwater sample results are included in Enclosure B.

Targeted Brownfields Assessment – 2012

In 2012, in an effort to determine whether impacts were still present at the Site identified during 2002 and 2003 investigations, Ecology & Environment (E&E) performed a Targeted Brownfields Assessment (TBA) on behalf of the Environmental Protection Agency and the City of Tacoma. In addition to the Site, the TBA included an assessment of the entire vacant city block owned by the City of Tacoma. This included the area bounded by Jefferson Avenue to the east, South 21st Street to the north, Tacoma Avenue South to the west, and South 23rd Street to the south (hereafter referred to as "city block").

Topographically this area slopes steeply from west to east. In addition to the Site, other historical facilities identified as areas of potential concern within the city block included a former gas station, a former printer, a former car wash, and a former pest control business (Figure 7 in Enclosure B). Samples collected by E&E focused on determining whether these former operations resulted in any impacts to soil and/or groundwater, however, the majority of the focus was on the area of the Site, which is the most downgradient portion of the city block.

Initially a geophysical survey was conducted on the Site in April 2012 to determine whether any USTs or other anomalies were present. Several anomalies were identified and subsequently investigated via Test Pits 1 through 9 (Figure 7 in Enclosure B). Only some metal scraps and sections of pipe were revealed and no USTs were encountered in the Test Pits.

Based on the field screening, soil samples were collected from Test Pits 6 and 9, and a water sample from turbid Test Pit 6. The soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, VOCs, semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals.

In addition to the test pits, nine soil borings (with four converted into monitoring wells MW-7 through MW-10) were advanced throughout the Site and the remainder of the city block to determine the presence of contaminants associated with the former city block operations, as well as to determine whether residual contamination was still present on the Site. A total of 24 soil samples were collected from the soil borings (except MW-10) from three depth intervals, and groundwater samples were collected form all ten monitoring wells.

The majority of the soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, VOCs, SVOCs, PCBs, and metals. However, the three borings (JA03 through JA05) advanced in the area of the former pest control business were only analyzed for pesticides. Soil sample locations are shown on Figure 7 in Enclosure B.

A soil sample collected from 0 to 4 feet bgs in the boring MW-8 detected carcinogenic polycyclic aromatic hydrocarbons (cPAHs) concentration of 0.1296 mg/kg, which exceeded its MTCA cleanup level of 0.1 mg/kg. However, based on the statistical evaluation, this concentration complied with the cleanup standard.

Other soil sample results were all below the laboratory detection limits. Results of a turbid pit water sample collected from Test Pit 6 indicated a total lead concentration of 850 µg/L, and cPAHs concentration of 0.1296 µg/L, which exceeded their respective MTCA cleanup levels of 15 µg/L and 0.1 µg/L. Because of these exceedances, a groundwater monitoring well MW-9 was installed at the Test Pit 6 for conducting groundwater monitoring. The initial groundwater sample collected at MW-9 did not contain cPAHs, however, a detection of arsenic was identified above MTCA Method A cleanup level.

In an effort to investigate the source of the arsenic detection, the monitoring well was resampled for a second time and the sample was analyzed for both total and dissolved arsenic. The arsenic concentrations from all sampling events ranged from 41.1 µg/L to 48.3 µg/L, which exceeded the MTCA Method A cleanup level of 5 µg/L. Since the arsenic was not detected at any other wells at the Site, it was concluded that the source was unlikely related to a release from the Site.

Since shallow groundwater in the area of the Site is typically not used as a potable source, Ecology determined that institutional controls could be used to address the localized presence of arsenic in MW-9. Ecology issued a no further action (NFA) letter on February 12, 2014, with a Restrictive Covenant (RC) with no further groundwater monitoring requirement. In accordance with the issuance of an NFA letter, MW-9 was decommissioned to accommodate for the property development activities at the Site. Copies of the NFA letter and RC are enclosed as Enclosure C and Enclosure D, respectively.

Quarterly Groundwater Monitoring – July 2019 through February 2020

Due to the arsenic exceedances at MW-9 (decommissioned), during the periodic review evaluation in July 2019, Ecology required the installation of a new monitoring well, replacing MW-9, for conducting three to four rounds of quarterly groundwater monitoring for arsenic. On July 23, 2019, a new monitoring well, MW-9R was installed replacing MW-9. Results of three rounds of quarterly monitoring conducted from August 2019 to February 2020, indicated arsenic concentrations ranging between 5.1 µg/l and 8.1 µg/l with an average arsenic concentration of 6.7 µg/l. The results of dissolved oxygen (DO: 0.39 to 1.5 milligrams per liter [mg/L]) and oxidation-reduction potential (ORP: -149 to -121.2 mV) also indicated anaerobic aquifer redox conditions in groundwater within the vicinity of MW-9R.

The exceedances of arsenic concentrations compared to the MTCA Method A cleanup level of 5 µg/l are isolated to MW-9/MW-9R in groundwater only. Arsenic was not detected at any other monitoring wells at the Site or applicable cleanup screening levels in soil samples. In addition, the localized arsenic concentrations detected at MW-9R are below the 90th percentile of the State's natural background concentration of 8.0 µg/l for arsenic (Table 4, PTI 1989).[6]

[6] PTI. 1989. Draft Report Section 1-7: *Background Concentrations of Selected Chemicals in Water, Soil, Sediments, and Air of Washington State*. Prepared for Washington State Department of Ecology, Bellevue, Washington, by PTI Environmental Services. April.

Though groundwater arsenic concentration remains above MTCA Method A cleanup level, concentrations appear stable and comparatively low, are likely partially attributable to background concentrations (Table 4, PTI), and highly-reducing aquifer conditions are present. In addition, the Site is served by the City of Tacoma municipal drinking water supply and groundwater beneath the Property is not likely to be used for domestic purposes. The location of MW-9R monitoring well (Figure 8) and groundwater monitoring results are included in Enclosure B.

2. Establishment of Cleanup Levels

Ecology has determined the cleanup levels and points of compliance you established for soil and groundwater at the Site have met the substantive requirements of MTCA.

a. Cleanup Levels

MTCA Method A Cleanup Levels for unrestricted land use were used at the Site to characterize and demonstrate compliance for soil and groundwater.

The MTCA Method A Cleanup Levels are:

Contaminant	Soil Cleanup Level (mg/kg)	Groundwater Cleanup Level (µg/L)
TPH-G	30	800
TPH-D	2,000	500
TPH-O	2,000	500
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000
Lead	250	15
Arsenic	20	8[6]

b. Points of Compliance

Standard points of compliance were used for the Site. The point of compliance for the soil was established throughout the Site from ground surface to 15 feet bgs based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway. The concentrations of constituents of concern in soil samples will need to be below the MTCA Method A cleanup levels.

The point of compliance for the groundwater was established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site.

3. Selection of Cleanup Action

Ecology has determined the cleanup actions you selected for the Site meets the substantive requirements of MTCA.

Cleanup actions conducted at the Site included the removal of USTs, hoist, and other Site structures; off-Site disposal of petroleum-contaminated soils; and groundwater monitoring.

4. Cleanup of the Site

Ecology has determined the cleanup you performed meets the applicable Site cleanup standards. The cleanup activities conducted at the Site included following:

In February 1995, four USTs (three 2,000 gallon and one 10,000 gallon) were removed and approximately 600 to 800 cubic yards of petroleum contaminated soil was removed, stock piled, treated on-Site, and transported off-Site for disposal. Results of confirmation soil samples collected from bottom of the excavation and sidewalls did not indicate any contamination. The results of five stockpile samples collected in 1996 also showed no contamination.

In August and September 2002, the remaining two USTs (500 gallon and 1,800 gallon) and the hydraulic hoist were removed. All the structures were demolished prior to the Site remediation. Subsurface soils were found to be contaminated and an independent Site cleanup was performed.

Approximately 175 cubic yards of petroleum hydrocarbons contaminated soil was excavated from two USTs basins. Soil samples from the sidewalls and bottom of the tanks indicated concentrations below the current MTCA Method A cleanup levels. The groundwater infiltrated into the basins was contaminated with TPH-G (2,800 µg/L) and benzene (19 µg/L) above the MTCA Method A cleanup levels of 800 µg/L and 5 µg/l, respectively.

Approximately 220 cubic yards of contaminated soil was removed from the hydraulic hoist excavation area and transported off-Site for treatment and disposal. The groundwater infiltrated into the excavation basin. Grab water samples were collected from the excavation basin for the laboratory analysis. Concentrations of TPH-D (11,000 µg/L) and TPH-O (8,600 µg/L) were above MTCA Method A cleanup level of 500 µg/L.

In September 2003, six groundwater monitoring wells (MW-1 through MW-6) were installed for determining the groundwater conditions at the Site. Between March 2004 and March 2005, five rounds of groundwater monitoring were conducted at the Site. The results of all the petroleum constituents were either below the laboratory detection limits or below MTCA Method A cleanup levels except the exceedance of TPH-D during the third round (October 2004) of monitoring.

However, the results of the next two rounds were all below the laboratory detection limits. The source of contamination in this well during the third round was suspected to be a surface source, such as asphalt debris and construction equipment at the Site.

In July 2019, one monitoring well, MW-9R was installed replacing previously decommissioned MW-9 for conducting groundwater monitoring for arsenic. Three rounds of quarterly groundwater sampling were conducted from August 2019 through February 2020. The arsenic concentrations ranged from 5.1 µg/l to 8.1 µg/l with an average concentration of 6.7 µg/l.

Based on the soil and groundwater information submitted previously to Ecology, Site soil and groundwater meet the MTCA Method A cleanup levels for petroleum related contamination. The results of ORD and DO values from MW-9R indicated that the aquifer underneath the Site is in anaerobic (i.e., highly reducing) conditions. The three rounds of quarterly monitoring data from MW-9R show that while the arsenic concentration remain above MTCA Method A cleanup level, they appear stable and comparatively low, are likely partially attributable to background concentrations (Table 4, PTI 1989), and highly-reducing aquifer conditions are present.

An exceedance of arsenic concentration (8.1 µg/l) was identified during the initial sampling event after well installation; however, two subsequent rounds of groundwater sampling were both below the draft background concentration of 8.0 µg/l. In addition, the Site is served by the City of Tacoma municipal drinking water supply and groundwater beneath the Property is not likely to be used for domestic purposes. Therefore, the Site requires no additional soil and groundwater cleanup.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

1. Opinion Does Not Settle Liability with the State.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

2. Opinion Does Not Constitute a Determination of Substantial Equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70A.305.080 and WAC 173-340-545.

3. State is Immune from Liability.

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 opinion. *See* RCW 70A.305.170(6).

Termination of the Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project #SW1724.

For more information about the VCP and the cleanup process, please visit our Voluntary Cleanup Program web site.[7] If you have any questions about this opinion, please contact me at (360) 999-9603 or panjini.balaraju@ecy.wa.gov.

Sincerely,

Panjini Balaraju, P.E.
Toxics Cleanup Program
Southwest Regional Office

PB/tm

Enclosures: A – Site Description, Site Vicinity Map (Figure 1) and Site Plan (Figure 2)
B – Site Investigations, Sampling Locations and Results, Figures 3 through 8
C – No Further Action Letter – February 12, 2014
D – Environmental Covenant Recorded on December 26, 2013

cc by email: Xukun Luo, North American Asset Management Group, davidluoxunkun@hotmail.com
Dave Johnson, Landau Associates, DJohnson@landauinc.com
Nick Acklam, Ecology, nicholas.acklam@ecy.wa.gov
Ecology Site File

[7] https://www.ecy.wa.gov/vcp

This page intentionally left blank.

Enclosure A

Description and Diagrams of the Site

This page intentionally left blank.

Site Description

The Jefferson Avenue Site aka City Properties Cleanup Site is located at 2112 – 2122 Jefferson Avenue in Tacoma, Pierce County, Washington. The Property occupies approximately 3 acres with two parcel numbers designated by the Pierce County Assessor as R2021080011 and R2021090020. Both parcels are vacant as the structures and the infrastructures were removed in 2002. The adjacent upper lot west of the Site is approximately 8 to 10 feet higher in elevation and is supported partially by a retaining wall. The Site is located in a mixed commercial, light industrial and residential zoning area in downtown Tacoma. The Property is bounded by Jefferson Avenue to the east, South 21st Street to the north, South 23rd Street to the south, and vacant lots to the west. Figure 1 and Figure 2 shows the Vicinity and Site Maps, respectively.

Prior to 1910, the Site and the entire area surrounding it was platted into city blocks of downtown Tacoma. Residential occupation dominated land use through the mid-1930s, when commercial occupation began to displace residences. The parcel at 2112 Jefferson Avenue was residential until approximately 1945 when Hermon's gasoline station was constructed. The building continued to serve as a motor vehicle service facility until 2000. The parcel 2122 Jefferson Avenue was vacant land until the Ostby's Used Cars business went into operation in 1930. The building was expanded and used for vehicle sales/rentals, vehicle repairs, welding shop, and steel fabrication.

As part of former Site activities, two USTs, one 500-gallon and one 1,800 gallon, containing gasoline, and one hoist were formerly located on Site. These USTs were removed in August 2002 along with the abandoned hydraulic hoist and other on-Property structures.

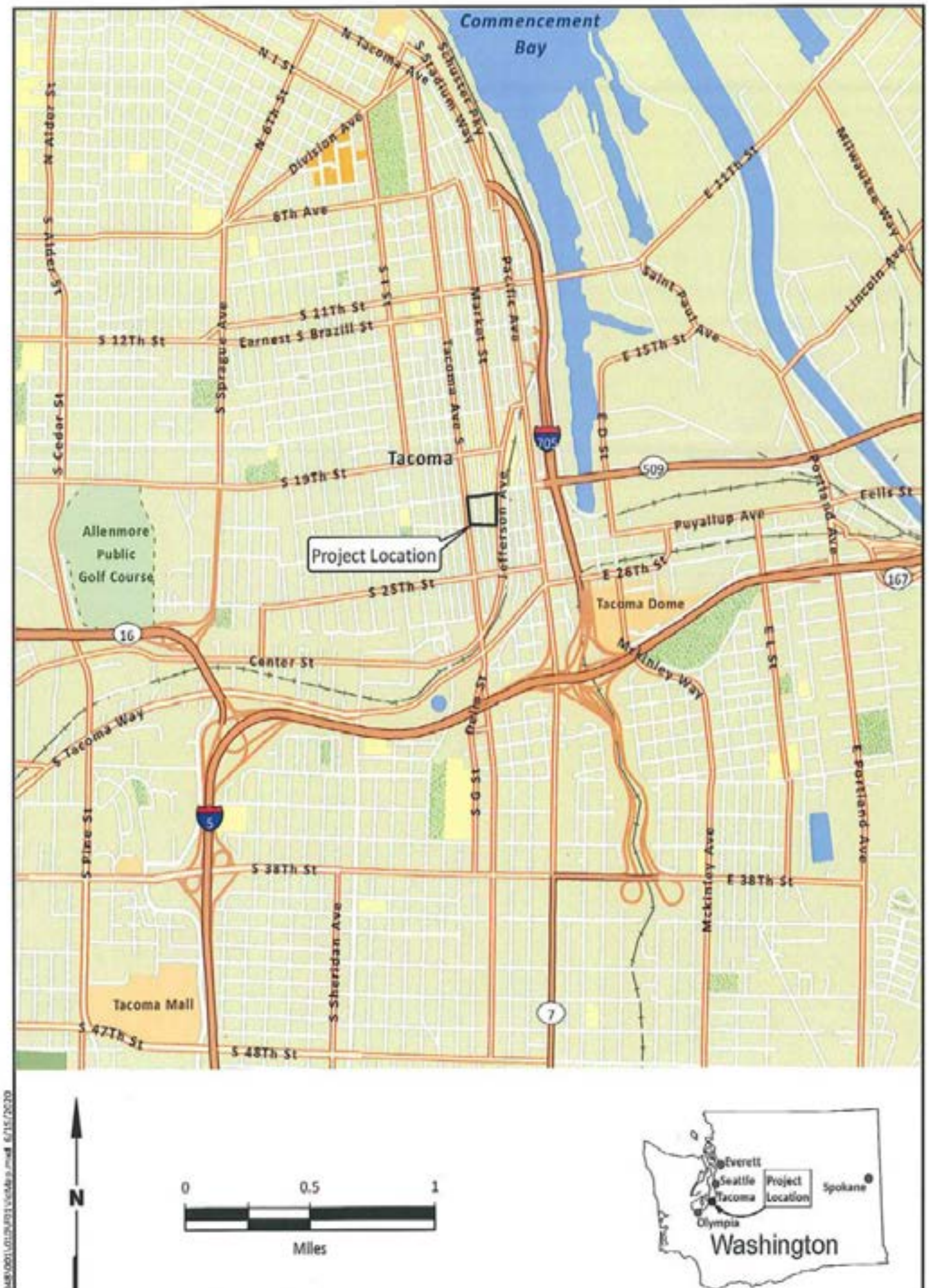
The Jefferson Avenue Site is located in the Puget Sound Lowlands Physiographic Region of Washington State. Upland terraces, rolling hills, and troughs create north-south ridges that characterize the general area. The Thea Foss Waterway is located approximately one mile to the east and opens to Commencement Bay to the north on the Puget Sound. Elevations at the Site range from approximately 130 to 205 feet above mean sea level, increasing in height from east to west.

The primary soil type found at the Site is Vashon Till, a mixture of clay, silt, sand, pebbles, and cobbles, a material encountered in much of the Site. This soil type is poorly sorted, non-stratified, and extremely compact. Medium to low drainage and permeability, and excellent foundation stability characterize the Vashon Till. Groundwater occurs beneath the Site at 3 to 5 feet below ground surface (bgs) and groundwater flow is to the east and northeast. The flow direction is in agreement with what would be expected, given that land in this area slopes to the east toward the Thea Foss Waterway.

This page intentionally left blank.

Site Diagrams

This page intentionally left blank.



Data Sources: Pierce County GIS; Esri.

Tacoma Town Center/ Jefferson Avenue Site Tacoma, Washington	**Vicinity Map**	Figure 1

LANDAU ASSOCIATES

This page intentionally left blank.

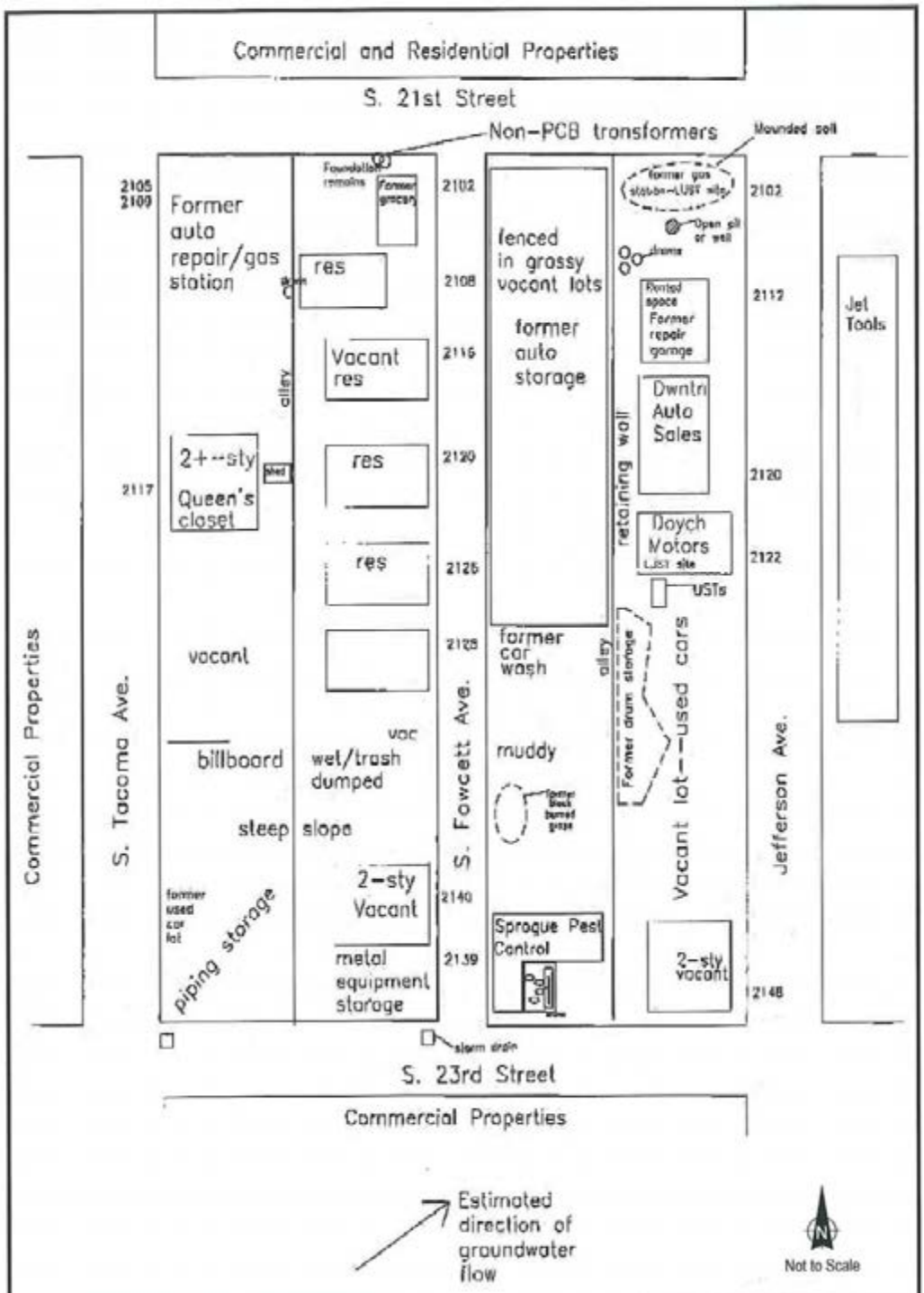
ecology and environment, inc. Global Specialists in the Environment Seattle, Washington	JEFFERSON AVENUE SITE Tacoma, Washington	Figure 2 SITE MAP		
	0 66 132 Approximate Scale in Feet	Date: 12/3/12	Drawn by: AES	10:START-3\12010013\fig 2-2

This page intentionally left blank.

Enclosure B

Site Investigations, Sampling Locations, and Results

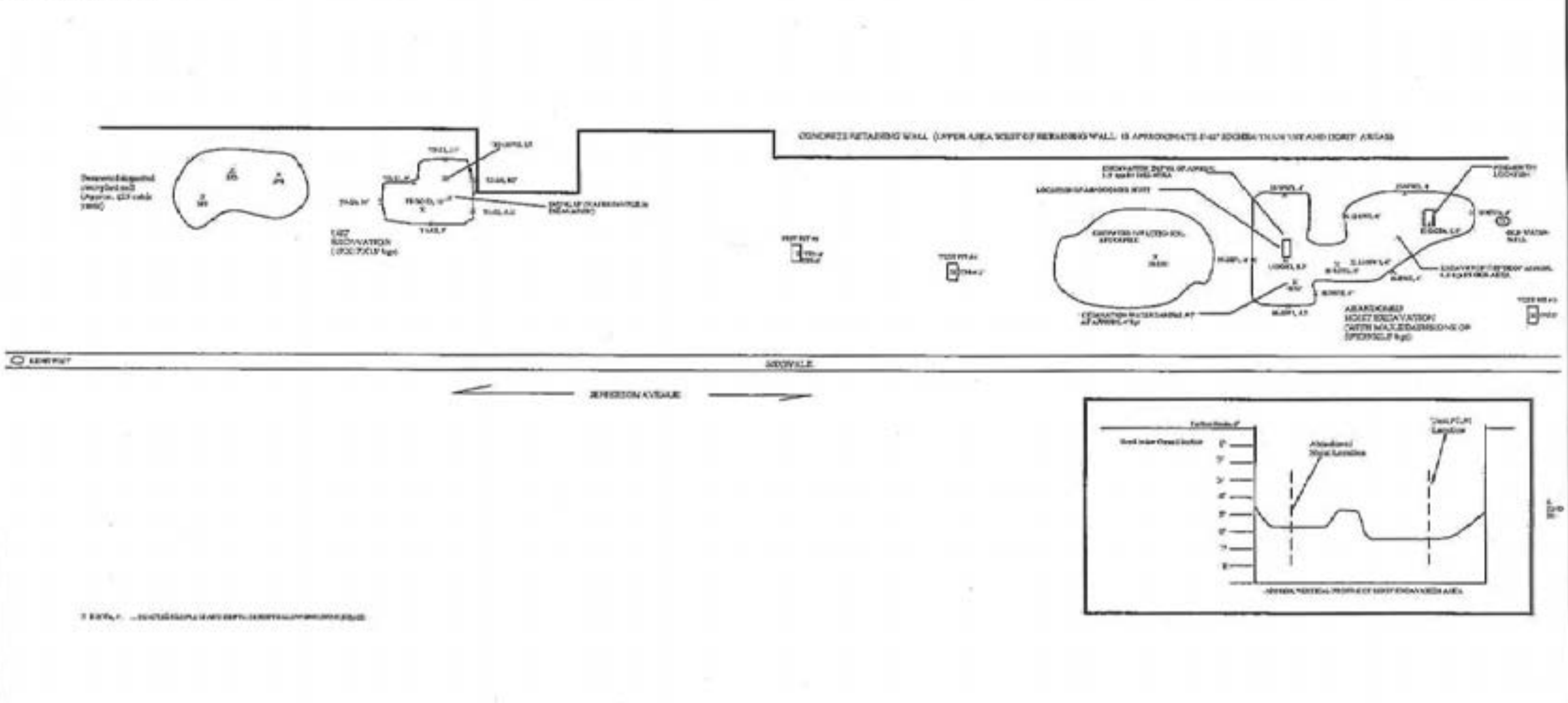
This page intentionally left blank.



ecology and environment, inc. Global Specialists in the Environment Seattle, Washington	JEFFERSON AVENUE SITE Tacoma, Washington	**Figure 3** 1999 PHASE I ESA SITE FEATURES
	Source: Clayton Environmental Consultants, 1999.	Date: 12-3-12 | Drawn by: AES | 10:START-3\12010013\fig 2-4

This page intentionally left blank.

Source: Nowicki & Associates, Inc. 2002.



ecology and environment, inc.
Global Specialists in the Environment
Seattle, Washington

Approximate Scale in Feet

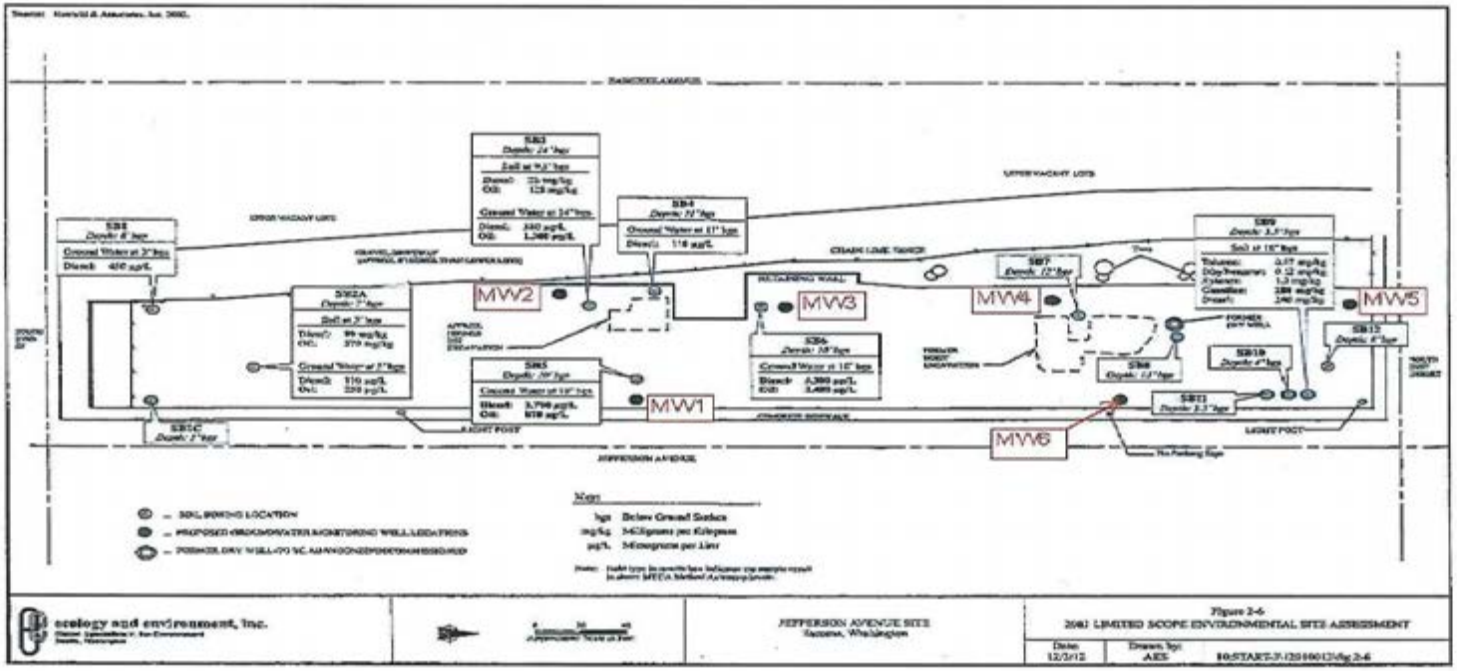
JEFFERSON AVENUE SITE
Tacoma, Washington

Figure 4
UST AND HOIST REMOVAL MAP

Date:	Drawn by:	
12/3/12	AES	10:START-3\12010013\fig 2-5

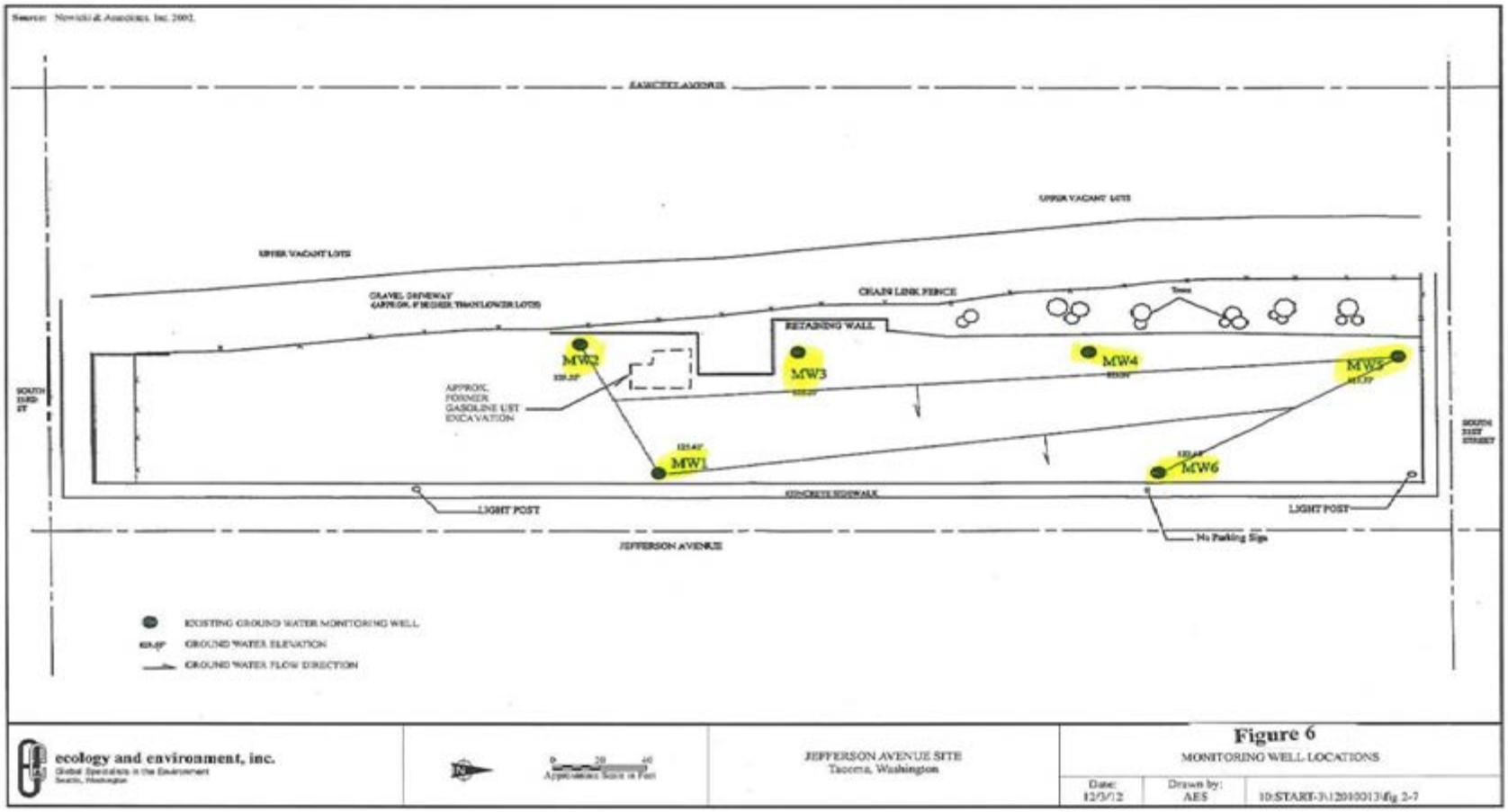
This page intentionally left blank.

9/11/18 Y:\1412\002\R\Historical Review\Fig 2_ESA.docx



LANDAU ASSOCIATES	Jefferson Avenue Site Historical Review Tacoma, Washington	**2003 Limited Scope Environmental Site Assessment**	**Figure 5**

This page intentionally left blank.



ecology and environment, inc.
Global Specialists in the Environment
Seattle, Washington

Approximate Scale in Feet

JEFFERSON AVENUE SITE
Tacoma, Washington

Figure 6
MONITORING WELL LOCATIONS

Date: 12/3/12 | Drawn by: AES | 10:START-3\12010013\fig 2-7

This page intentionally left blank.

March 2004 Sampling Event groundwater Data
All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1		<50	61	<260
MW2		<50	<50	<250
MW3		<50	78	<260
MW4		160	84	<270
MW5		<50	55	<270
MW6		<50	<60	<290
-	Method Detection	50	50	250
-	MTCA Method A level	800	500	500

July 2004 Sampling Event Groundwater Data
All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1			<50	<250
MW2			<50	<250
MW3			170	<250
MW4			330	<250
MW5			<50	<250
MW6			<50	<250
-	Method Detection	50	50	250
-	MTCA Method A level	800	500	500

October 2004 Sampling Event Groundwater Data
All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1			<250	<250
MW2			<250	<250
MW3				
MW4			<250	<250
MW5				
MW6			13,000	<250
-	Method Detection	50	250	250
-	MTCA Method A level	800	500	500

Table 2. Groundwater Data
EPA Method 8260B Volatile Compounds
All concentrations are expressed in µg/L (ppb)

Sample ID	Benzene	Toulene	Ethylbenzene	m,p-Xylene	o-Xylene
MW-1	<1	<1	<1	<2	<1
MW-2	<1	<1	<1	<2	<1
MW-3	<1	<1	<1	<2	<1
MW-4	<1	<1	<1	<2	<1
MW-5	<1	<1	<1	<2	<1
Method Detection	<1	<1	<1	<2	<1

January 2005 Sampling Event Groundwater Data
All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1		<50	<250	<250
MW2		<50	<250	<250
MW3		Not Tested	Not Tested	Not Tested
MW4		Not Tested	Not Tested	Not Tested
MW5		Not Tested	Not Tested	Not Tested
MW6		<50	<250	<250
-	Method Detection	50	250	250
-	MTCA Method A level	800	500	500

Table 2. Groundwater Data
EPA Method 8260B Volatile Compounds
All concentrations are expressed in µg/L (ppb)

Sample ID	Benzene	Toulene	Ethylbenzene	m,p-Xylene	o-Xylene
MW-1	<1	<1	<1	<3	<1
MW-2	<1	<1	<1	<3	<1
MW-3					
MW-4					
MW-5					
Method Detection	<1	<1	<1	<3	<1

March 2005 Sampling Event Groundwater Data
All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1			<250	<250
MW2			<250	<250
MW3			<250	<250
MW4			<250	<250
MW5			<250	<250
MW6			<250	<250
-	Method Detection	50	250	250
-	MTCA Method A level	800	500	500

Table 2. Groundwater Data
EPA Method 8260B Volatile Compounds
All concentrations are expressed in µg/L (ppb)

Sample ID	Benzene	Toulene	Ethylbenzene	Total Xylenes	Gasoline Range
MW-1	<1	<1	<1	<3	<50
MW-2	<1	<1	<1	<3	<50
MW-3	<1	<1	<1	<3	<100
MW-4	<1	<1	<1	<3	<100
MW-5	<1	<1	<1	<3	<100
MW-6	<1	<1	<1	<3	<50
Method Detection	<1	<1	<1	<3	**

This page intentionally left blank.

9/11/18 Y:\1412\002\RI\Historical Review\Fig 3_Sampling Location.docx

LANDAU ASSOCIATES

Jefferson Avenue Site Historical Review Tacoma, Washington	Sample Location Map	Figure 7

This page intentionally left blank.

Legend

- Monitoring Well
- Subject Property
- Restrictive Environmental Convenant No. A-406 Area (Groundwater Only)
- Tax Parcels

0 100 200

Scale in Feet

Note

1. Black and white reproduction of this color original may reduce its effectiveness and lead to incorrect interpretation.

Data Sources: Exhibit B-Property Map from Ecology NFA Letter Jefferson Ave Site (aka City Properties Cleanup) dated February 12, 2014; City of Tacoma GIS; Pierce County GIS.

G:\Projects\1848\001\010\2015\SitePlan.mxd 6/16/2020

LANDAU ASSOCIATES

Tacoma Town Center/ Jefferson Avenue Site Tacoma, Washington	Site Plan	Figure 8

Enclosure C

No Further Action Letter – February 12, 2014

This page intentionally left blank.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 12, 2014

Ms. Ellen Walkowiak
Business Development Manager
City of Tacoma Community & Economic Development Department
747 Market Street, Room 900
Tacoma, WA 98402-3793

Re: No Further Action at the following Site:

- **Site Name:** Jefferson Avenue Site (aka City Properties Cleanup)
- **Site Address:** 2112-2122 Jefferson Ave, Tacoma
- **Facility/Site No.:** 1277004
- **Cleanup Site ID No.:** 7037
- **VCP Project No.:** SW1315

Dear Ms. Walkowiak:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Jefferson Avenue Site (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Petroleum hydrocarbons and related constituents into the Soil and Groundwater.
- Arsenic into the Groundwater.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Underground Storage Tank (UST) Removal: Site Closure Determination, 2112 Jefferson Ave, Tacoma, WA, Parcel Number: 2021080011, dated February 14, 2013 by Tacoma-Pierce County Health Department (TPCHD).

2. Jefferson Avenue Site, Targeted Brownfields Assessment, dated January 2013 by Ecology and Environment, Inc. (E&E).

3. Letter to Mr. Rae Bailey (City of Tacoma Public Works Department) from Mr. Scott Rose (Ecology), RE: Further Action Determination, dated May 15, 2006.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You can make an appointment by calling the SWRO resource contact at (360) 407-6365.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A.**

The Site is located at 2112-2122 Jefferson Avenue in Tacoma, Pierce County, Washington (WA). Sampling conducted to date noted that contamination was limited to two parcels, designated by the Pierce County Assessor as 2021080011 and 2021090020. Both parcels are vacant as the structures and infrastructure have been removed.

The parcel at 2112 Jefferson Avenue was residential until approximately 1945 when Harmon's gasoline station appeared. The building continued to serve as a motor vehicle service operation until 2000. The parcel at 2122 Jefferson Avenue was vacant land until the Ostby's Used Cars structure appeared in 1930. From that point, the building was enlarged and used for vehicle sales/rentals, vehicle repair, welding shop, and steel fabrication.

As part of former on-Site activities, two underground storage tanks (USTs), one 500-gallon UST and one 1,800-gallon UST, containing gasoline were formerly located on Site. These USTs were removed in August 2002 along with an abandoned hydraulic hoist and other on-Site structures. During these activities, soil and groundwater on Site were found to be contaminated with gasoline-range petroleum hydrocarbons (TPH-G), diesel- and oil-range petroleum hydrocarbons (TPH-D and TPH-O), and/or benzene, toluene, ethylbenzene, and xylene (BTEX) compounds.

Investigations conducted at the Site in March 2003 confirmed the presence of residual contamination in soil and groundwater as follows: TPH-G was detected in soil boring SB9 at 280 milligrams per kilogram (mg/kg), which exceeds the MTCA Method A cleanup level of 30 mg/kg; TPH-D and TPH-O were detected in grab groundwater samples collected from soil borings SB3, SB5, and SB6, the highest concentrations of which were detected in SB6 and showed TPH-D at 5,300 micrograms per liter (µg/L) and TPH-O at 3,400 µg/L, which exceed the MTCA cleanup level of 500 µg/L *(see attached Figure 2-6)*.

Permanent monitoring wells (MW-1 through MW-6) were installed in June 2003 (see attached Figure 2-7). These six wells were sampled on four occasions between March 2004 and January 2005, and analyzed for TPH-G, TPH-D, TPH-O, an BTEX. The only exceedance occurred during the 3rd event in October 2004 where TPH-D was detected in MW-6 at 13,000 µg/L, which exceeds the MTCA Method A cleanup level of 500 µg/L.

In 2012, E&E conducted a Targeted Brownfields Assessment (TBA) of the entire city block that includes this Site in behalf of the Environmental Protection Agency (EPA) and the City of Tacoma to determine whether residual contamination was still present. The details of that investigation are discussed in more detail in Section 4 of this letter.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

MTCA Method A cleanup levels for unrestricted land use were used at the Site to demonstrate compliance for soil and groundwater.

Standard points of compliance were used for the Site. The point of compliance for protection of groundwater was established in the soils throughout the Site. For soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance was established in the soils throughout the Site from the ground surface to 15 feet below ground surface (bgs). In addition, the point of compliance for the groundwater was established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

Cleanup actions conducted to date have included removal of the UST, hoists, and other Site structures; off-Site disposal of petroleum-contaminated soils; and natural attenuation.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

In August and September 2002, one 500-gallon UST and one 1,800-gallon UST containing gasoline were removed from the Site, along with an abandoned hydraulic hoist. Following removal of the equipment, approximately 100 cubic yards (~ 147 tons) of gasoline-impacted soil was excavated from the UST excavation, and approximately 220 cubic yards (~ 333 tons) of gasoline-, diesel-, and oil-impacted soil was excavated from the hoist area and disposed of off Site at LRI in Puyallup, WA.

Concentrations of contaminants in confirmatory soil samples collected from the floor and sidewalls of the final UST excavation were either not detected above laboratory detection limits or were present at concentrations below MTCA Method A cleanup levels. However, a grab groundwater sample collected from water within the excavation indicated the presence of TPH-G at 2,800 µg/L and benzene at 19 µg/L.

Concentrations of contaminants in confirmatory soil samples collected from the floor and sidewalls of the final abandoned hoist excavation were either not detected above laboratory detection limits or were present at concentrations below MTCA Method A cleanup levels.

In 2012, in an effort to determine whether impacts were still present at the Site identified during 2002 and 2003 investigations, E&E performed a TBA on behalf of EPA and the City of Tacoma. In addition to the Site, the TBA included an assessment of the entire vacant city block owned by the City of Tacoma. This area included the block bounded by Jefferson

Avenue to the east, South 21st Street to the north, Tacoma Avenue South to the west, and South 23rd Street to the south (hereafter referred to as "city block"). Topographically, this area slopes steeply from west to east. Other historical facilities identified as areas of potential concern within the city block included a former gas station, a former printer, a former car wash, and a former pest control business (see attached Figure 2-2). Samples collected by E&E focused on determining whether these former operations resulted in any impacts to soil and/or groundwater; however, the majority of the focus was on the area of the Site, which is the most downgradient portion of the city block.

Prior to conducting any intrusive activities, a geophysical survey was conducted on the Site in April 2012 to determine whether any unaccounted-for USTs or other anomalies were present. Several anomalies were identified and subsequently investigated via test pits 1 through 9 (see attached Figure 4-1). Aside from some metal scraps and sections of pipe, no USTs were encountered in the test pits. Based on field screening, soil samples were collected from Test Pits 6 and 9, and a water sample from turbid pit water in Test Pit 6, and analyzed for TPH-G, TPH-D, TPH-O, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals.

In addition to the test pits, nine soil borings (with four completed as monitoring wells [MW-7 through MW-10]) were advanced throughout the Site and the remainder of the city block to determine the presence of contaminants associated with the former city block operations, as well as to determine whether residual contamination is still present on the Site. A total of 24 soil samples were collected from the soil borings (except MW-10) from three depths intervals, and groundwater samples were collected from all 10 monitoring wells. The majority of the soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, VOCs, SVOCs, PCBs, and/or metals. However, the three borings advanced in the area of the former pest control business were only analyzed for pesticides. Sample locations are shown in Figure 4-1.

The only contaminants detected above MTCA cleanup levels in soil and groundwater collected from the borings, wells, and test pits were limited to the area of the original Site along Jefferson Avenue, and included the following:

- The turbid pit water sample from Test Pit 6 detected total lead (812 µg/L), total arsenic (24 µg/L), and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) (0.1296 µg/L), which exceed their respective MTCA cleanup levels of 15 µg/L, 5 µg/L, and 0.1 µg/L. However, it should be noted that Ecology does not consider an excavation pit water sample to be representative of groundwater. MW-9 was installed adjacent to and downgradient of Test Pit 6, and is discussed below.

- The soil sample collected from 0-4 feet bgs in the boring for MW-8 detected cPAHs at 0.1662 mg/kg. Since this concentration is less than twice the cleanup level, and it was detected in less than 10% of the samples analyzed (1 of 12), this sample is statistically in compliance with cleanup standards.

- Total arsenic was detected in groundwater in MW-9 at 48.3 µg/L, which exceeds the MTCA cleanup level of 5 µg/L. The lead and cPAHs noted in the pit water of Test Pit 6 just upgradient of this well were not detected.

No other contaminants were detected in soil or groundwater throughout the Site or remainder of the city block.

In an effort to confirm the seemingly anomalous arsenic detection in MW-9, E&E collected a second round of data from this well and analyzed it for both total and dissolved arsenic. Total arsenic was detected at 41.1 µg/L, and dissolved arsenic was detected at 42.9 µg/L. The source of the arsenic at this location is unknown, and since it was not detected in any other wells, it does not appear to be representative of background conditions. Since shallow groundwater in the area of the Site is typically not used as a potable source, Ecology determined that institutional controls could be used to address the localized presence of arsenic in MW-9 (see next section).

Further, no contaminants were detected in any of the other former operational areas investigated (i.e., former gas station, former printer, former car wash, and former pest control business). It should be noted that a recent (February 2012) Phase II investigation was conducted on the former gas station on the northwest corner of the city block that did not detect any contamination in soil or groundwater. As such, only MW-10 was included in this area to determine any potential downgradient migration of contamination (none was detected). As such, **no further action is warranted with respect to the former operations within the city block, with the exception of the post-cleanup controls noted below for the Site.**

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Restriction on groundwater use.

To implement that control, an Environmental Covenant has been recorded on the following parcel of real property in Pierce County:

- 2021080011

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B.**

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

1. **Opinion does not settle liability with the state.**

   Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

   - Resolve or alter a person's liability to the state.
   - Protect liable persons from contribution claims by third parties.

   To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. **Opinion does not constitute a determination of substantial equivalence.**

   To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. **State is immune from liability.**

   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 opinion. *See* RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#SW1315).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (360) 407-6347 or via email at sros461@ecy.wa.gov.

Sincerely,

Scott Rose, L.G.
Unit Supervisor
SWRO Toxics Cleanup Program

SIR/ksc:Jefferson Ave Site NFA SW1315

Enclosures (2): A – Description and Diagrams of the Site
B – Environmental Covenants for Institutional Controls

Chris Montague-Breakwell – Ecology, Water Quality Program
Carol Johnston – Ecology
Panjini Balaraju – Ecology
Dolores Mitchell – Ecology

Enclosure A

Description and Diagrams of the Site

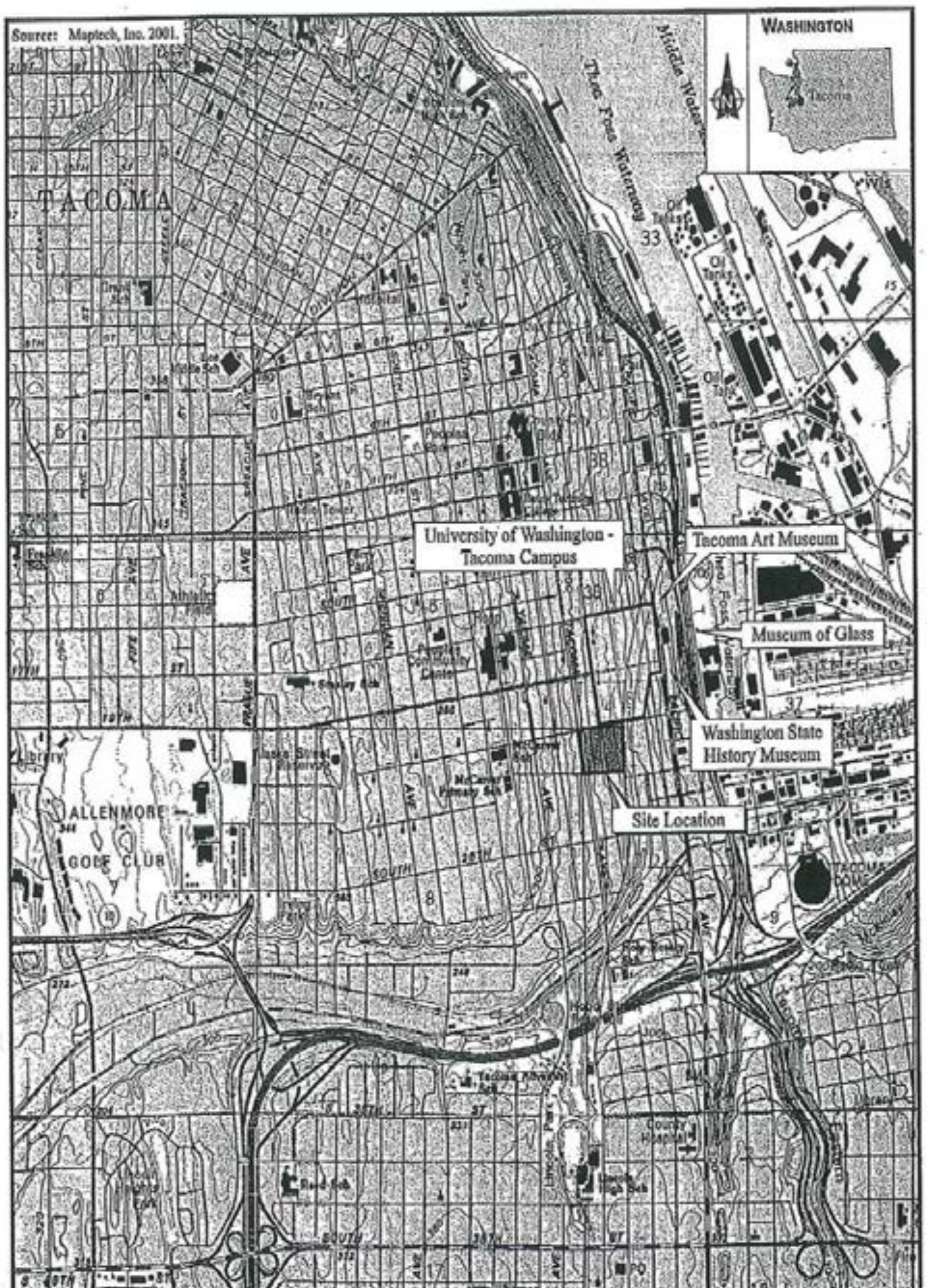
Site Description

The City Properties Cleanup Site is located at 2112-2122 Jefferson Avenue in Tacoma, Pierce County, Washington. The two parcels in question are designated by the Pierce County Assessor as 2021080011 and 2021090020. Both parcels are vacant as the structures and infrastructure have been removed. The Site is bordered to the north and east by equipment/tool warehousing, and property to the south and west are vacant.

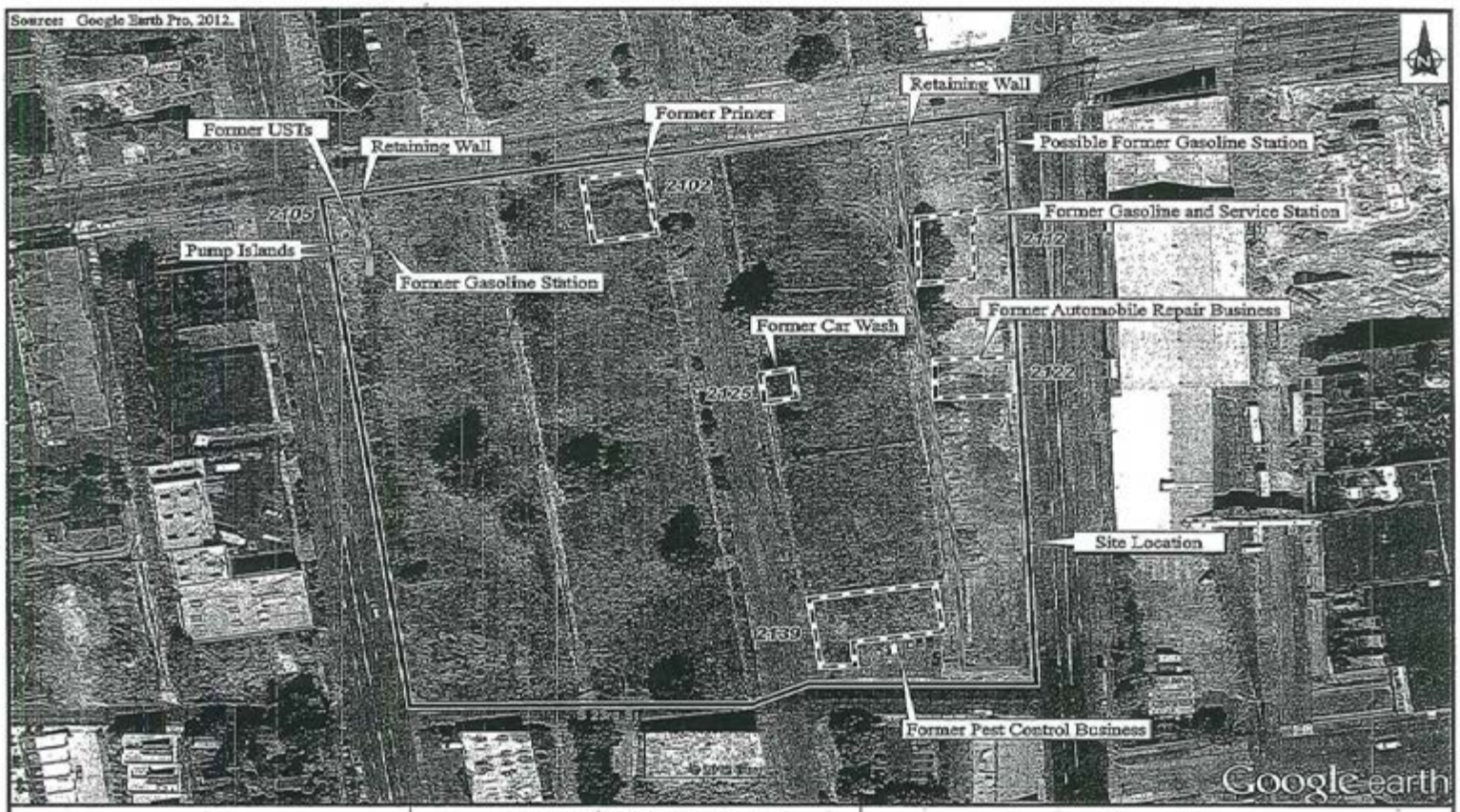
Prior to 1910, the Site and the entire area surrounding it was platted into city blocks of downtown Tacoma. Residential occupation dominated land use through the mid-1930s, when commercial occupation began to displace residences. The parcel at 2112 Jefferson Avenue was residential until approximately 1945 when Harmon's gasoline station appeared. The building continued to serve as a motor vehicle service operation until 2000. The parcel at 2122 Jefferson Avenue was vacant land until the Ostby's Used Cars structure appeared in 1930. From that point, the building was enlarged and used for vehicle sales/rentals, vehicle repair, welding shop, and steel fabrication.

As part of former on-Site activities, two underground storage tanks (USTs), one 500-gallon UST and one 1,800-gallon UST, containing gasoline were formerly located on Site. These USTs were removed in August 2002 along with an abandoned hydraulic hoist and other on-Site structures.

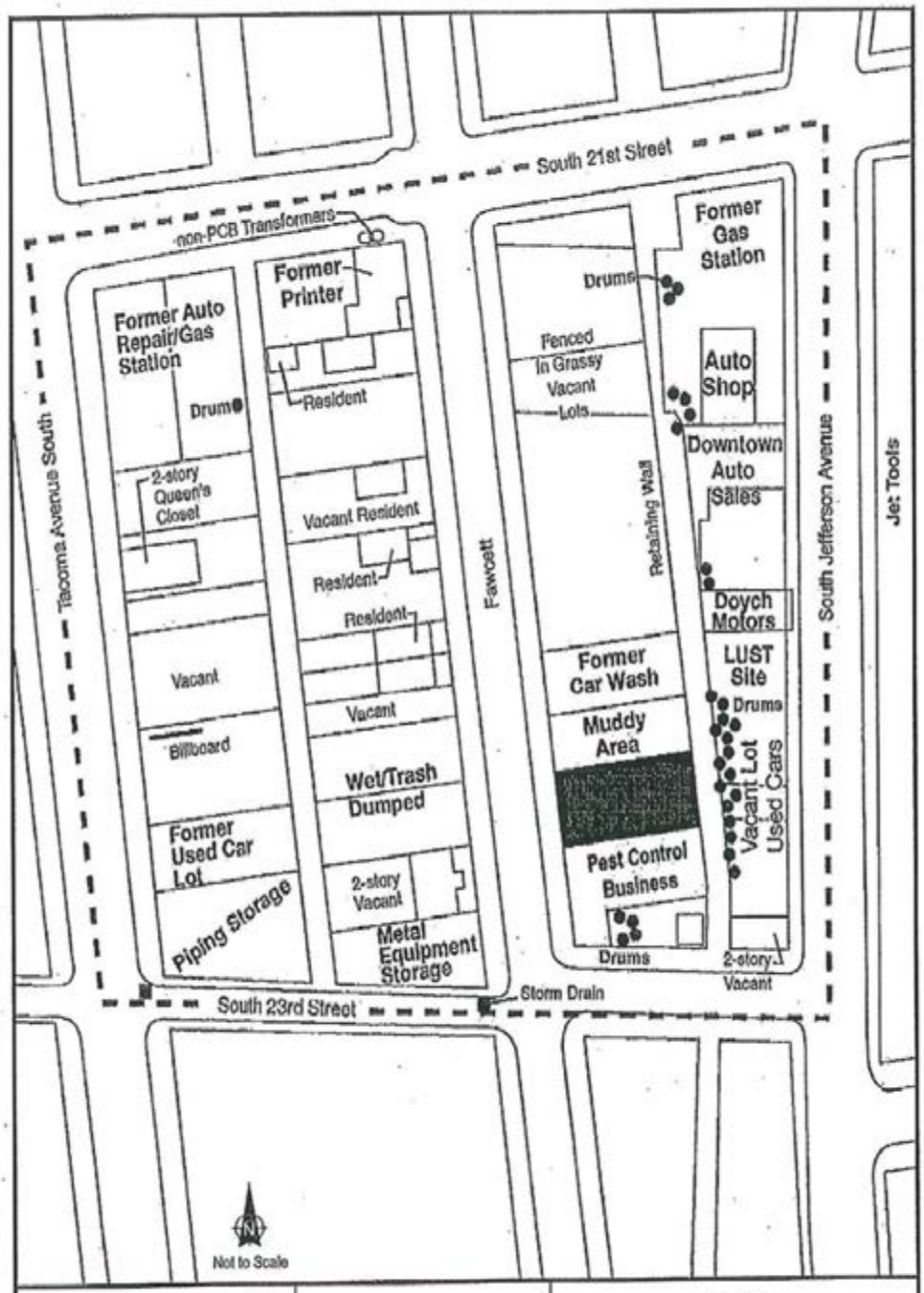
Soil beneath the Site (to a depth of 13 feet) consists mainly of gravelly silt and silty sand. Groundwater occurs beneath the Site at 3 to 5 feet below ground surface (bgs), and groundwater flow is to the east and northeast.

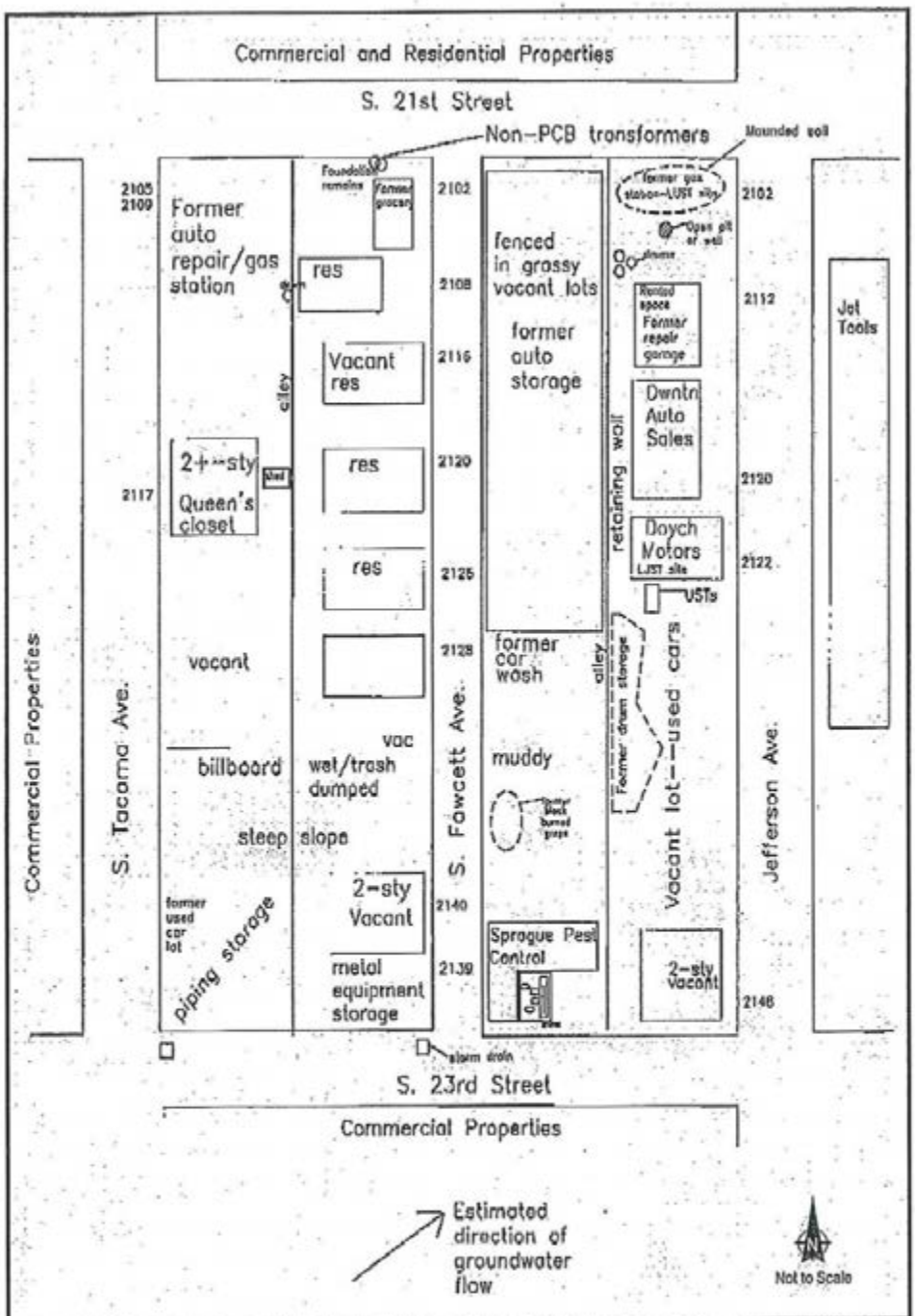


ecology and environment, inc. Global Specialists in the Environment Seattle, Washington	JEFFERSON AVENUE SITE Tacoma, Washington	Figure 2-1 SITE VICINITY MAP
	0 1000 2000 Approximate Scale in Feet	Date: 12-3-12 · Drawn by: AES · 10:START-3\12010013\fig 2-1

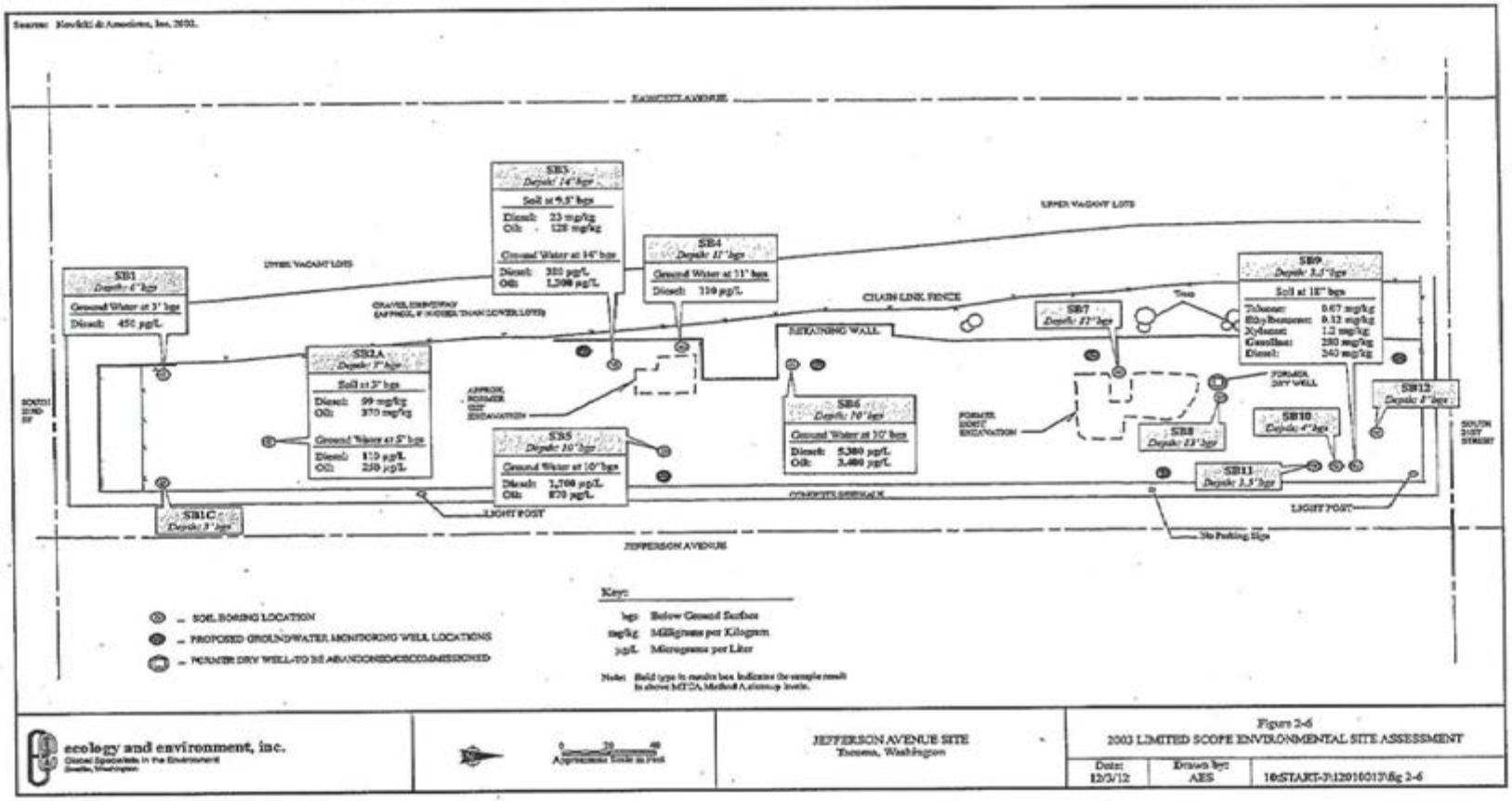


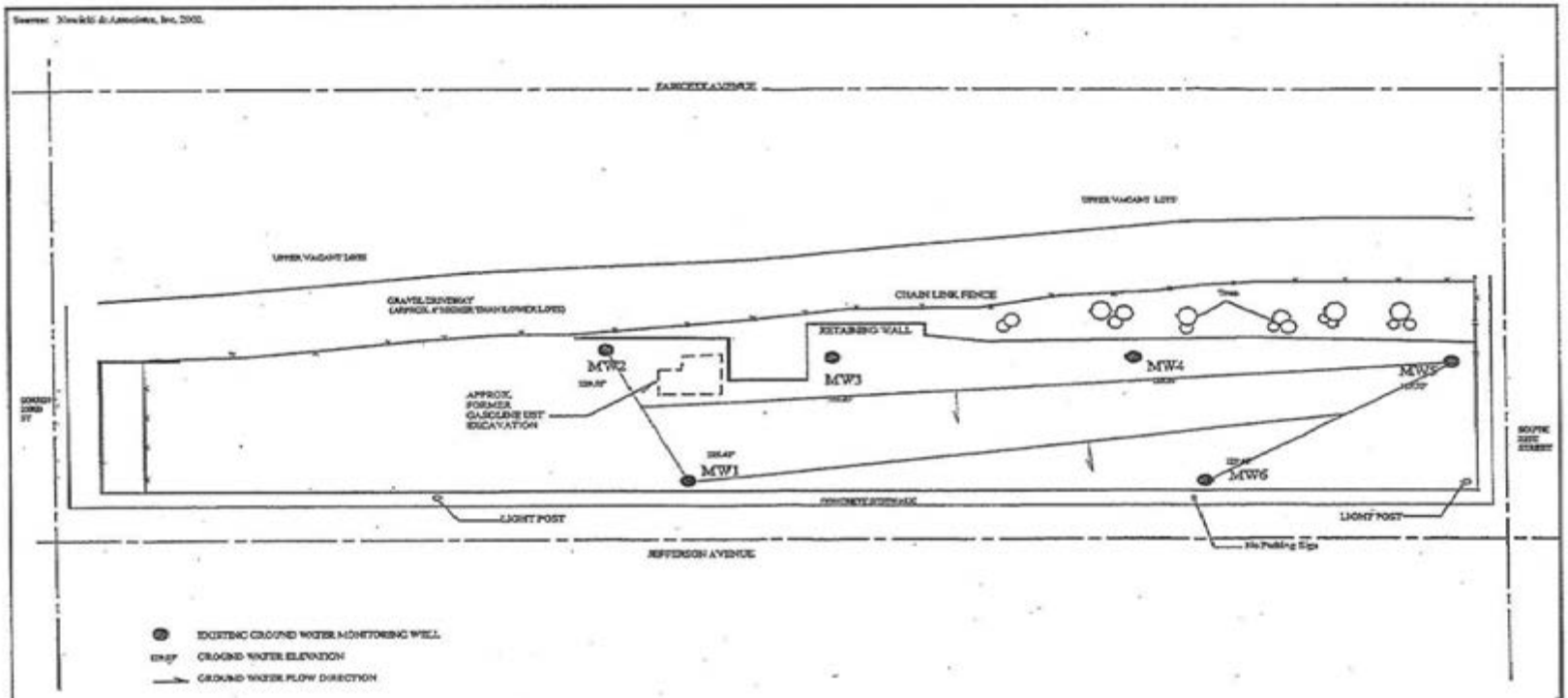
ecology and environment, inc. Global Specialists in the Environment Seattle, Washington	JEFFERSON AVENUE SITE Tacoma, Washington	Figure 2-2 SITE MAP		
	0 66 132 Approximate Scale in Feet	Date: 12/3/12	Drawn by: AES	10:START-3\12010013\fig 2-2


South 21st Street
non-PCB Transformers
Former Printer
Former Auto Repair/Gas Station
Drums
Resident
2-story Queen's Closet
Vacant Resident
Resident
Resident
Vacant
Billboard
Vacant
Wet/Trash Dumped
Former Used Car Lot
Piping Storage
2-story Vacant
Metal Equipment Storage
Tacoma Avenue South
Fawcett
Drums
Fenced In Grassy Vacant Lots
Retaining Wall
Former Gas Station
Auto Shop
Downtown Auto Sales
Doych Motors
LUST Site
Drums
Former Car Wash
Muddy Area
Pest Control Business
Drums
Vacant Lot Used Cars
2-story Vacant
South Jefferson Avenue
Storm Drain
South 23rd Street
Not to Scale
ecology and environment, Inc.
Global Specialists in the Environment
Seattle, Washington
JEFFERSON AVENUE SITE
Tacoma, Washington
Figure 2-3
1999 SEPA EIS SITE FEATURES
Source: City of Tacoma 1999.
Date: 12-3-12
Drawn by: AES
10:START-3\12010013\fig 2-3



ecology and environment, inc. Global Specialists in the Environment Seattle, Washington	JEFFERSON AVENUE SITE Tacoma, Washington	Figure 2-4 1999 PHASE I ESA SITE FEATURES
	Source: Clayton Environmental Consultants, 1999.	Date: 12-3-12 / Drawn by: AES / 10:START-3\12010013\fig 2-4


Source: Kleinfelder & Associates, Inc. 2003.
EASTGATE AVENUE
SB3
Depth: 14' bgs
Soil at 9.5' bgs
Diesel: 23 mg/kg
Oil: 128 mg/kg
Ground Water at 14' bgs
Diesel: 380 µg/L
Oil: 1,300 µg/L
SB4
Depth: 11' bgs
Ground Water at 11' bgs
Diesel: 310 µg/L
UPPER VACANT LOTS
LOWER VACANT LOTS
CHAIN LINK FENCE
SB1
Depth: 6' bgs
Ground Water at 3' bgs
Diesel: 450 µg/L
GRAVEL DRIVEWAY
SB2A
Depth: 7' bgs
Soil at 3' bgs
Diesel: 99 mg/kg
Oil: 370 mg/kg
Ground Water at 5' bgs
Diesel: 110 µg/L
Oil: 250 µg/L
APPROX. FORMER GST EXCAVATION
RETAINING WALL
SB5
Depth: 10' bgs
Ground Water at 10' bgs
Diesel: 1,700 µg/L
Oil: 870 µg/L
SB6
Depth: 10' bgs
Ground Water at 10' bgs
Diesel: 5,300 µg/L
Oil: 3,400 µg/L
FORMER GASOLINE EXCAVATION
SB7
Depth: 17' bgs
Tree
SB9
Depth: 3.5' bgs
Soil at 18" bgs
Toluene: 0.07 mg/kg
Ethylbenzene: 0.12 mg/kg
Xylenes: 1.2 mg/kg
Gasoline: 280 mg/kg
Diesel: 240 mg/kg
FORMER DRY WELL
SB12
Depth: 3' bgs
SB10
Depth: 4' bgs
SB8
Depth: 13' bgs
SB11
Depth: 3.5' bgs
SB1C
Depth: 3' bgs
CONCRETE SIDEWALK
LIGHT POST
LIGHT POST
No Parking Sign
JEFFERSON AVENUE
SOUTH 32ND ST
SOUTH 31ST STREET
Key:
bgs Below Ground Surface
mg/kg Milligrams per Kilogram
µg/L Micrograms per Liter
Note: Bold type in results box indicates the sample result is above MTCA Method A cleanup levels.
= SOIL BORING LOCATION
= PROPOSED GROUNDWATER MONITORING WELL LOCATIONS
= FORMER DRY WELL-TO BE ABANDONED/DECOMMISSIONED
ecology and environment, inc.
Global Specialists in the Environment
Seattle, Washington
0 20 40
Approximate Scale in Feet
JEFFERSON AVENUE SITE
Tacoma, Washington
Figure 2-6
2003 LIMITED SCOPE ENVIRONMENTAL SITE ASSESSMENT
Date: 12/3/12
Drawn by: AES
10\START-3\12010013\fig 2-6



ecology and environment, inc.

Approximate Scale in Feet

JEFFERSON AVENUE SITE
Tacoma, Washington

Figure 2-7
MONITORING WELL LOCATIONS

Date:	Drawn by:	
12/3/12	AES	10:START-3\120100137\fig 2-7

ecology and environment, inc. Global Specialists in the Environment Seattle, Washington	JEFFERSON AVENUE SITE Tacoma, Washington	Figure 4-1 SAMPLE LOCATION MAP		
	0 66 132 Approximate Scale in Feet	Date: 12/6/12	Drawn by: AES	10:START-3\12010013\fig 4-1

This page intentionally left blank.

Enclosure D

Environmental Covenant Recorded on December 26, 2013

This page intentionally left blank.

CONFORMED COPY

201312260516 RJOHNSO 9 PGS
12/26/2013 03:57:48 PM $80.00
AUDITOR, Pierce County, WASHINGTON

When Recorded, Return To:

City of Tacoma
Real Property Services
747 Market Street, Room 737
Tacoma, WA 98402

AUDITOR'S NOTE

LEGIBILITY FOR RECORDING AND COPYING UNSATISFACTORY IN A PORTION OF THIS INSTRUMENT WHEN RECEIVED

DOCUMENT TITLE

ENVIRONMENTAL COVENANT No. A-406

COPY

Grantors

City of Tacoma

Grantees

State of Washington, Department of Ecology

Legal Description -

Portion of SW1/4 of Section 4 and NW1/4 of Section 9, Township 20 North, Range 3 East, W.M.

Reference Number

Assessor's Parcel Number

2021080011

After Recording Return
Original Signed Covenant to:
Scott Rose
Toxics Cleanup Program
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Environmental Covenant

Grantor: City of Tacoma, Washington
Grantee: State of Washington, Department of Ecology
Brief Legal Description: A portion of the SW1/4 of Section 04 and NW1/4 of Section 09, Township 20 North, Range 03 East, W.M.
Tax Parcel Nos.: a portion of 2021080011

RECITALS

a. This document is an environmental (restrictive) covenant (hereafter "Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70.105D RCW and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW.

b. The Property that is the subject of this Covenant is part of a site commonly known as **Jefferson Avenue Site (aka City Properties Cleanup), Facility Site No. 1277004, VCP Project No. SW1315.** The Property within the Jefferson Avenue Site that is subject to this Covenant is legally described in Exhibit A, and illustrated in Exhibit B, both of which are attached (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.

c. The Property was the subject of remedial action under MTCA. This Covenant is required because residual contamination remains on the Property after completion of remedial actions. Specifically, the following principal contaminants remain on the Property:

Medium	Principal Contaminants Present
Soil	
Groundwater	**Arsenic**
Surface Water/Sediment	

d. It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through the Washington State Department of Ecology. **This includes the following document: Jefferson Avenue Site Targeted Brownfields Assessment, Technical Direction Document: 12-01-0013 (January 2013) Prepared by Ecology and Environment for the U.S. Environmental Protection Agency.**

e. This Covenant grants the Washington State Department of Ecology, as holder of this Covenant, certain rights specified in this Covenant. The right of the Washington State Department of Ecology as a holder is not an ownership interest under MTCA, Chapter 70.105D RCW or the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") 42 USC Chapter 103.

COVENANT

The City of Tacoma, Washington, as Grantor and **fee simple** owner of the Property hereby grants to the Washington State Department of Ecology, and its successors and assignees, (hereafter "Ecology") the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall run with the land and be binding on all current and future owners of any portion of, or interest in, the Property.

Section 1. General Restrictions and Requirements.

The following general restrictions and requirements shall apply to the Property:

a. **Interference with Remedial Action**. The Grantor shall not engage in any activity on the Property that may impact or interfere with the completed results of the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from Ecology.

b. **Protection of Human Health and the Environment**. The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not limited to, any activity that results in the release of residual contamination that was contained as a part of the remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Property.

c. **Continued Compliance Required.** Grantor shall not convey any interest in any portion of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.

d. **Leases.** Grantor shall restrict any lease for any portion of the Property to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.

e. **Amendment to the Covenant.** Grantor must notify and obtain approval from Ecology at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. Before approving any proposal, Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal. If Ecology approves the proposal, the Covenant will be amended to reflect the change.

Section 2. Specific Prohibitions and Requirements.

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

a. **Groundwater Use.** The groundwater beneath **the Property** remains contaminated and shall not be extracted for any purpose other than temporary construction dewatering, investigation, monitoring or remediation. Drilling of a well for any water supply purpose is strictly prohibited. Groundwater extracted **from the Property** for any purpose shall be considered potentially contaminated and any discharge of this water shall be done in accordance with state and federal law.

Section 3. Access.

a. The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.

b. The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.

c. No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

Section 4. Notice Requirements.

a. **Conveyance of Any Interest.** The Grantor, when conveying any interest **in any part of the Property**, including but not limited to title, easement, leases, and security or other interests, must:

i. Notify Ecology at least thirty (30) days in advance of the conveyance.

ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [DATE] AND RECORDED WITH THE PIERCE COUNTY AUDITOR UNDER RECORDING NUMBER [RECORDING NUMBER]. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.

iii. Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

b. **Reporting Violations.** Should the Grantor become aware of any violation of this Covenant, Grantor shall promptly report such violation to Ecology.

c. **Emergencies.** For any emergency or significant change in site conditions due to Acts of Nature (for example, flood, fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor

must notify Ecology of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

d. Any required written notice, approval, or communication shall be personally delivered or sent by first class mail to the following persons. Any change in this contact information shall be submitted in writing to all parties to this Covenant.

Ellen Walkowiak Business Development Manager City of Tacoma – Community & Economic Development Department 747 Market Street, Room 900 Tacoma, WA 98422 (253) 591-5209	Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program P.O. Box 47600 Olympia, WA 98504 – 7600 (360) 407-6000

As an alternative to providing written notice and change in contact information by mail, these documents may be provided electronically in an agreed upon format at the time of submittal.

Section 5. Modification or Termination.

a. If the conditions at the site requiring a Covenant have changed or no longer exist, then the Grantor may submit a request to Ecology that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in Chapter 64.70 RCW and Chapter 70.105D RCW and any rules promulgated under these chapters.

b. By signing this agreement, per RCW 64.70.100, the original signatories to this agreement, other than Ecology, agree to waive all rights to sign amendments to and termination of this Covenant.

Section 6. Enforcement and Construction.

a. This Covenant is being freely and voluntarily granted by the Grantor.

b. Grantor shall provide Ecology with an original signed Covenant and proof of recording within ten (10) days of execution of this Covenant.

c. Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including Chapter 70.105D RCW and Chapter 64.70 RCW. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.

d. The Grantor, upon request by Ecology, shall be obligated to pay for Ecology's costs to process a request for any modification or termination of this Covenant and any approval required by this Covenant.

e. This Covenant shall be liberally construed to meet the intent of the Model Toxics Control Act, chapter 70.105D RCW and Uniform Environmental Covenants Act, chapter 64.70 RCW.

f. The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to any person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstance is not affected and shall continue in full force and effect as though such void provision had not been contained herein.

g. A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

The undersigned Grantor warrants he/she holds the title to the Property and has authority to execute this Covenant.

EXECUTED this 6th day of December, 2013.

CITY OF TACOMA, WASHINGTON

T.C. Broadnax
City Manager

Dated: 12/6/2013

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Rebecca S. Lawson, P.E., LHG
Section Manager
Toxics Cleanup Program
Southwest Regional Office

Dated: 12/16/2013

GRANTOR CORPORATE ACKNOWLEDGMENT

STATE OF **WASHINGTON**
COUNTY OF **PIERCE**

On this 16th day of December, 2013, I certify that **T.C. Broadnax** personally appeared before me, acknowledged that **he/she** is the **City Manager** of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for said corporation.

Jodi L. Davila

Notary Public in and for the State of Washington, residing at Puyallup.
My appointment expires 5-21-15.

JODI L. DAVILA
NOTARY PUBLIC
05-21-15
STATE OF WASHINGTON

Exhibit A -- LEGAL DESCRIPTION

Monitoring Well Area Property Description:

A portion of the Southwest quarter of the Southwest quarter of Section 04 and the Northwest quarter of the Northwest quarter of Section 09, all in Township 20 North, Range 03 East, W.M., more particularly described as follows:

Beginning at the Northeast corner of Block 2108, BURNS AND BLINN MAP OF A PART OF THE CITY OF TACOMA as recorded in Volume 1 of Plats at Page 28, records of Pierce County Auditor, said point being the intersection of the West right of way margin of Jefferson Avenue and the South right of way margin of South 21st Street;

Thence South 0°39'37"East, along said West margin, a distance of 100.69 feet;

Thence South 82°37'47"West, parallel with said South margin, a distance of 81.35 feet more or less to the face of a retaining wall;

Thence North 03°14'58"West, along the face of said wall, a distance of 100.26 feet to the South margin of South 21st Street;

Thence North 82°37'47"East, along said South margin, a distance of 85.91 feet to the Point of Beginning.

Containing 8,363 Square Feet

Situate in the City of Tacoma, County of Pierce, State of Washington

Exhibit B -- PROPERTY MAP