United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

Alaska
Idaho
Oregon
Washington

CBNSF
8.7.3.30.1 v1

EPA

JUL 01 1991

**GENERAL NOTICE LETTER**
**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Reply to
Attn of: HW-113

Ms. Loretta Barthel
c/o Bank of California Trust
P.O. Box 3123
Seattle, WA 98114

Re: Commencement Bay Nearshore/Tideflats Superfund Site,
Tacoma, Washington

Dear Ms. Barthel:

The purpose of this general notice letter is to formally notify you that the U.S. Environmental Protection Agency (EPA) has identified Bank of California Trust as a potentially responsible party (PRP) at the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site in Tacoma, Washington. As defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA, commonly referred to as "Superfund"), 42 U.S.C. Section 9607(a), PRPs may be held liable for response costs incurred at the site, including those related to investigations, planning, studies and cleanup.

In addition to notifying you of potential liability, this letter also serves several other functions. First, EPA wants to notify you of potential response activities at the Sitcum Waterway, one of eight problem areas addressed in the September 30, 1989, Record of Decision (ROD) for the CB/NT site. You may be asked to perform or finance response activities at the Sitcum Waterway at a later date. Second, this letter offers you an opportunity for meaningful participation in the ongoing process to select and implement a remedy for the Sitcum Waterway problem area. To assist you in this effort, enclosed with this letter is information that describes the CB/NT site and the Sitcum Waterway problem area, the other PRPs, and plans for continued response activities under Superfund. Finally, this letter requests information concerning your involvement at the site.

USEPA SF
1361329

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3. Article Addressed to:

Ms. Loretta Barthel
c/o Bank of California Trust
P.O. Box 3123
Seattle, WA 98114

4. Article Number
P687 289 678

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1200 - 6TH AVENUE _ HW-113

SEATTLE, WA 98101

Attn: Peggy

P 678 289 678

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☆U.S.G.P.O. 1990-270-153

PS Form 3800, June 1990 (Reverse)

## NOTICE OF POTENTIAL LIABILITY

EPA has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced site. EPA has spent, and is considering spending, public funds on actions to investigate and control such releases or threatened releases at the site. Unless EPA reaches an agreement under which a potentially liable party or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. Sections 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6973, as amended (RCRA), and other laws, PRPs may be ordered to perform response actions deemed necessary by EPA to protect the public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such actions and costs may include, but are not limited to, expenditures for conducting a Remedial Investigation/Feasibility Study (RI/FS), conducting a Remedial Design/Remedial Action (RD/RA), and other investigation, planning, response, oversight, and enforcement activities. In addition, PRPs may be required to pay damages for injury, destruction, or loss of natural resources, including the cost of assessing such damages.

EPA is investigating the identity of additional PRPs at the CB/NT site associated with the Sitcum Waterway problem area in order to notify them of their potential liability for costs related to past and future response actions at the site. Based on information evaluated in connection with this investigation, EPA believes that you may be a PRP with respect to the CB/NT site. Under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), PRPs include current and former owners and operators of the site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to the site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages your involvement at the CB/NT site, particularly with respect to the Sitcum Waterway problem area.

## SITE RESPONSE ACTIVITIES

In accordance with CERCLA and other authorities, EPA, working with the Washington Department of Ecology (Ecology), has already undertaken certain actions and incurred certain costs in response to conditions at the CB/NT site. A description of these response actions, the Superfund process, and the CB/NT site is provided in the enclosed information package (Enclosure A). Because of the size and complexity of the CB/NT site, it has been divided into eight separate operable units. This letter covers response actions and costs associated with Operable Unit 01 - CB/NT Sediments. Other operable units cover sources of contamination to the Bay, the Tacoma Tarpits, and contamination problems associated with the Asarco Tacoma Smelter.

The CB/NT site encompasses 10 to 12 square miles of shallow water, shoreline, tideflats, and nearby upland areas. The tideflats area includes the industrialized waterways and properties which have been developed on the delta of the Puyallup River. The site includes all water and bottom sediments to depths of 60 feet below the Mean Lower Low Water (MLLW) contour, except that the Puyallup River is only included from the bay upstream to the Interstate Route 5 bridge. The site also includes upland areas which are defined by drainage-basin features.

In 1988, through a Superfund cooperative agreement with EPA, Ecology completed an extensive RI/FS for the CB/NT site which identified alternatives for a comprehensive cleanup program coordinating both sediment remediation and control of contamination sources into the bay. Based on the RI/FS, and following a period of public comment, EPA selected an integrated remedy for the CB/NT sediments and contamination sources, which is set forth in a Record of Decision (ROD) issued by EPA on September 30, 1989. The ROD identified a remedial approach for eight distinct problem areas, including the Sitcum Waterway. The eight CB/NT problem areas are described in the enclosed information package.

In accordance with the CB/NT ROD, cleanup activities are being managed in each problem area according to a two-step approach which focuses first on source control and then on sediment remediation in the designated waterway problem areas, where necessary. Under the ROD and a June 1989 cooperative agreement, Ecology is the lead agency for source control at the CB/NT site and EPA is the lead agency for sediment remdiation. At present, EPA and Ecology are conducting a number of activities at the site to implement the selected remedy. The following ongoing activities at the Sitcum Waterway are particularly relevant to potential liabilities addressed in this letter:

- Ecology is continuing to identify sources of past and ongoing contamination to each the waterway problem areas. A number of enforcement actions in the form of permits, consent orders and decrees, and administrative orders have been taken to implement source control actions that were identified on the basis of site-specific studies. At the Sitcum Waterway, significant progress has been made in identifying and controlling sources.

- EPA has negotiated an administrative agreement with the Port of Tacoma, one of the Sitcum PRPs, to initiate remedial design studies at the Sitcum Waterway. An opportunity to comment on the proposed remedial approach will be offered before proceeding with the final design plans.

- The federal, tribal and state natural resource trustees have begun the process of evaluating impacts to natural resources in Commencement Bay. In addition, under the Sitcum agreement, the Port of Tacoma will collect and present information needed by the federal, tribal, and state natural resource trustees (the Trustees) to perform natural resource damage assessments in areas to be affected by the remedial action.

As the design of the Sitcum Waterway remedy proceeds, EPA plans to initiate negotiations with the CB/NT PRPs associated with the Sitcum Waterway to perform actual construction of the remedial action under a separate consent decree. The negotiation process will begin upon completion of EPA's search for PRPs in the Sitcum Waterway and issuance of special notice letters to Sitcum PRPs, likely by the end of 1991. The resulting consent decree will be subject to public comment prior to finalization and before proceeding with the remedial action.

## OPPORTUNITY TO COMMENT ON THE SELECTED REMEDY AND ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA has established an administrative record of documents that form the basis of EPA's decision on the selection of a response action for the CB/NT site. The administrative record files for the CB/NT site contain the documents related to the response action

selected in the CB/NT ROD, including the RI/FS report, public comments on the proposed remedy, EPA's response to significant comments, and the final ROD. Under the National Contingency Plan (NCP), 40 CFR 300.825(c), EPA is required to consider comments submitted after the close of the public comment period, to respond to comments containing significant information, and to place all comments and any responses in the administrative record file. If necessary, based on the new comments and other information in the administrative record, EPA may decide to modify the remedy.

To the extent that you learned of your potential liability at this site after the ROD was already signed, this letter notifies you of an opportunity participate in the ongoing process to select and implement a remedy for the CB/NT site, particularly the Sitcum Waterway problem area. Specifically, within 90 days of receiving this letter, you may submit comments on the documents that form the basis for the ROD, including the proposed plan and alternative plans that were considered. Your comments and factual information may address any area of the CB/NT site covered by the proposed plan, including the Sitcum Waterway. Of most interest to EPA would be comments containing significant information not contained elsewhere in the administrative record file which could not have been submitted during the public comment period and which substantially support the need to significantly alter the response action. EPA will respond to all significant comments, and place all comments and any responses in the administrative record file. In addition, as noted above, you will have later opportunities to comment on the remedial design for Sitcum as is it is developed.

Please note that you must submit any comments on the ROD to EPA within ninety (90) days after receiving this letter. Please address any comments to:

Peggy Justus
U.S. EPA Region 10 (HW-113)
1200 Sixth Avenue
Seattle, WA 98101

The administrative record files are available to the public for inspection and comment at two locations:

| | |
|---|---|
| U.S. EPA<br>1200 Sixth Avenue<br>Seattle | Tacoma Public Library Main Branch<br>1102 Tacoma Avenue South, NW Room<br>Tacoma |

In addition, major agency documents related to the CB/NT site are located in several information repositories in Tacoma, including:

McCormick Regional Branch Library
3722 North 26th

City of Tacoma Environmental Commission
747 Market Street, Suite 345

Tacoma Pierce County Health Department
3633 Pacific Avenue

Pacific Lutheran University Library
121st and South Park Avenue

## INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA would like to encourage good communication and coordination between the PRPs and EPA, as well as among the PRPs. In addition, following completion of the search for Sitcum PRPs, EPA intends to issue special notice letters triggering negotiations for remedial action at the Sitcum Waterway. EPA therefore would like to encourage preparation by the PRPs for possible involvement in good faith negotiations with EPA. To assist PRPs in preparing for potential future involvement at the site, including negotiations with EPA concerning this matter, EPA is providing the following information as an attachment to this letter:

1. A complete list of names and addresses of PRPs who have been notified of their potential liability since April 1989 (Enclosure B), which includes a consolidated list of PRPs associated with the Sitcum Waterway. This list represents EPA's current findings on the identities of PRPs for the CB/NT site. Also included as Enclosure C is a list of PRPs associated with the Sitcum Waterway who are being notified at this time. Please note that inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site. Also, listing of parties by waterways in no way represents an EPA position on joint and several liability or on the divisibility of the harm at the site.

2. An update of the CB/NT general information package which was provided to all CB/NT PRPs and all businesses in the Commencement Bay area in April 1989 (Enclosure A). Copies of all previous CB/NT fact sheets and reports are available at locations where the administrative record files and/or information repositories are maintained.

We also have added your name to a list of parties who regularly receive fact sheets or notices from EPA or Ecology concerning the CB/NT Site.

## REQUEST FOR INFORMATION

As mentioned above, enclosed with this notice letter as Enclosure D is a request for information under the authority of Section 104(e) of CERCLA and Section 3007 of the Resource Conservation and Recovery Act (RCRA). Your response to the requested information must be provided to EPA within thirty (30) calendar days after your receipt of this letter. Please refer to the enclosed request for further information on how to comply with this requirement.

## EPA CONTACTS

If you have any questions pertaining to this letter, please contact Peggy Justus, the Remedial Project Manager for the Sitcum Waterway, at (206) 553-2138, or direct your attorney to contact Richard McAllister, EPA Office of Regional Counsel, at (206) 553-8203. Questions concerning your potential

liability for natural resource damages should be directed to Chris Membane or the National Oceanic and Atmospheric Administration (NOAA), at (206) 553-2101. In addition, for further information about EPA's community relations activities in the Commencement Bay area, please contact Michelle Pirzadeh at (206) 553-1272.

Sincerely,

Philip G. Millam, Chief
Superfund Branch

Enclosures

cc: Kevin Godbout (Ecology)
Charles Albertson (NOAA)
Tanya Barnett (Attorney General)
Morgan Bradley (Muckleshoot Indian Tribe)
John Carleton (Wildlife)
Richard DuBey (Stoel, Rives)
Ron Eggers (Bureau of Indian Affairs)
David Frederick (Fish & Wildlife)
Fred Gardner (Ecology)
Thorn Hooper (Fisheries)
Jay Manning (Attorney General)
Chris Mebane (EPA, Region 10)
Tom Mumford (Natural Resources)
Charles S. Polityka (Interior)
Barry Stein (Interior)
Bill Sullivan (Puyallup Tribe of Indians)

# ENCLOSURE A

EPA

May 1991

# COMMENCEMENT BAY NEARSHORE/TIDEFLATS SUPERFUND SITE

## GENERAL INFORMATION PACKAGE FOR PROPERTY OWNERS, BUSINESSES AND AFFECTED COMMUNITY

The U.S. Environmental Protection Agency (EPA) is currently working with various local, state and federal parties to correct environmental problems that exist in the Commencement Bay area of Tacoma, Washington. One of the problems being addressed in this area relates to contaminated marine sediments at the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site. The overall cleanup goal for the site, outlined in a Record of Decision, is to achieve sediment quality in the bay that will support a healthy marine environment and will reduce the risk of eating contaminated seafood from the bay. This goal will be measured by biological and chemical tests, and by an assessment of human health risks. The cleanup goal has been established to allow a diverse range of uses in the bay including business, navigation, fisheries and recreational uses. Health advisories issued by the Tacoma-Pierce County Health Department will remain in effect to discourage consumption of bottom fish and shellfish until the cleanup is completed.

This information package was created specifically to provide introductory information about EPA's efforts to correct the problems at the CB/NT site associated with the contamination in the marine sediments.

This package includes six sections which briefly describe the following:

1. the Superfund process;
2. the CB/NT Superfund site;
3. the overall cleanup plan for the site;
4. liability and responsibility under Superfund;
5. public participation; and,
6. sources of additional CB/NT information.

**Please note: The factual and legal information presented in this package is general and introductory. It is intended solely for informational purposes and should not take the place of appropriate technical and legal advice. Readers should confer with appropriate legal counsel on the application of the law to their own situations. Please contact the agency representatives listed at the end of this information package if you have any questions.**

# 1.0 THE SUPERFUND PROCESS

On September 6, 1983, EPA published the original National Priorities List (NPL) of hazardous waste sites, which identifies sites that are eligible for cleanup using federal monies. The CB/NT site was on this list. The site was identified by EPA under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Superfund law.

NPL sites are addressed under the Superfund Remedial Program. This program has been established to develop site-specific cleanup strategies that will eliminate or substantially reduce threats to the environment and the public health, posed by hazardous substances at NPL sites. The program utilizes a three-phase problem-solving approach, including a Study Phase, a Decision Phase, and a Cleanup Phase.

The Study Phase involves the development of a Remedial Investigation and Feasibility Study (RI/FS). During the RI/FS, conditions at the site are evaluated, problems are characterized and alternative methods to clean up the site are evaluated. The Study Phase is completed upon development of a Proposed Plan which describes EPA's recommendation for future action at the site. Publication of the RI/FS and Proposed Plan initiates the Decision Phase of the Superfund Process.

During the Decision Phase, the public is encouraged to comment on all aspects of the RI/FS and Proposed Plan. EPA then considers information received from the public and makes a final selection of remedy for the site, which is described in a Record of Decision (ROD). The ROD acts as the blueprint for the third and final phase of the Superfund Process, the Cleanup Phase.

The Cleanup Phase includes both Remedial Design and Remedial Action (RD/RA). During the RD/RA phase, cleanup actions described in the ROD are refined via further sampling and testing, and more specific design and engineering; finally, remedial action (i.e., cleanup) is undertaken. When cleanup is complete, or long-term treatment known as Operation and Maintenance (O&M) is underway, the site can be removed from the NPL signifying the elimination or significant reduction of threats at the site.

# 2.0 GENERAL SITE DESCRIPTION

Although the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site encompasses a large geographic area, the Superfund project described in this information package is focused on protecting the marine environment and public health concerns related to the marine environment. Other CB/NT Superfund projects include the Tacoma Tar Pits and the Asarco smelter which are being addressed separately. Response actions described below are designed to address only contaminated marine sediments and contaminant sources within the CB/NT site.

The boundaries of the CB/NT site encompass approximately 10 to 12 square miles of shallow water, shoreline, tideflats and upland areas, located in and near Tacoma, Washington (see map attached). The Nearshore portion of the site extends from the Mouth of the Thea Foss Waterway (formerly City Waterway) to Pt. Defiance. The Tideflats area includes the industrialized waterways and properties which have been developed on the delta of the Puyallup River. In both the Tideflats and Nearshore areas, the site includes all water and bottom sediments to depths of 60 feet below the low tide mark. It also includes upland boundaries, with the exception that the Puyallup River is only included from the bay upstream to the Interstate 5 highway bridge. Land, water and shorelines within the site are owned by the Port of Tacoma, the City of Tacoma, the State of Washington, Pierce County, the Puyallup Tribe of Indians, and numerous private entities.

Urban and industrial development of the Commencement Bay area began in the late 1800s. Since that time, hazardous substances and waste material have been released into the terrestrial, freshwater, groundwater, and marine environments. Investigations conducted since 1978 have revealed chemical contamination of waters and sediments in the area; many of these contaminants have impacted marine life. Commencement Bay supports important commercial and recreational fisheries and the consumption of contaminated seafood from the area is a potential threat to public health. The pollutants in Commencement Bay have been released or are currently being released from specific facilities and over 300 storm drains, seeps, and open channels; groundwater seepage; atmospheric fallout; and spills or releases to the environment.

# 3.0 CB/NT CLEANUP PLAN

EPA and the Washington Department of Ecology (Ecology) have already laid much of the groundwork involved in meeting the cleanup goal for the CB/NT site. Both the study phase and the decision phase have been completed. In order to achieve the site cleanup goal, EPA and Ecology have identified a plan to implement the cleanup and ensure the future health of Commencement Bay. The plan calls for controlling sources of pollution and confinement of contaminated sediments in eight problem areas of the bay. This section describes the work that has already been completed so far in the project, and more fully describes the cleanup plan.

## 3.1 CB/NT STUDY PHASE

The efforts of EPA and Ecology during the study phase are documented in the Remedial Investigation/Feasibility Study (RI/FS). This study marked the beginning of coordination efforts between EPA and Ecology for work on the CB/NT site. In 1983, EPA and Ecology reached an agreement which provided federal Superfund money to

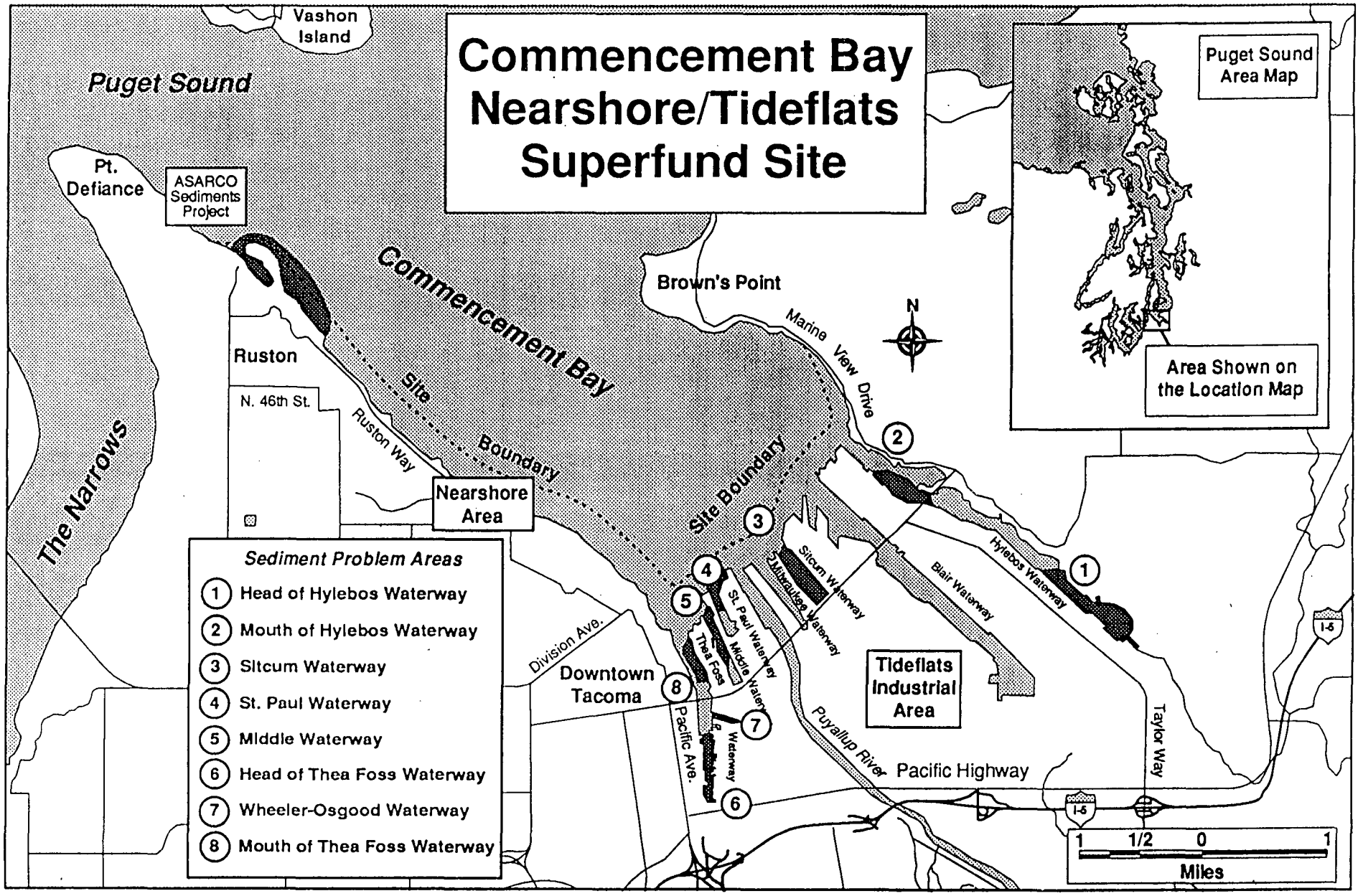


*Figure 1.*
**Commencement Bay Nearshore/Tideflats Superfund Site: Sediment Problem Areas**

Ecology in order to conduct the RI/FS. The RI was completed in August 1985 and FS results were published in February 1989. The RI/FS fully characterized the site, proposed cleanup goals, and evaluated various cleanup options according to specific criteria (e.g. effectiveness, feasibility, cost) as required by federal law.

The RI/FS culminated in a Proposed Plan for cleanup. The plan was created by the agencies to provide the public an opportunity to review and comment prior to a final cleanup decision. The proposed plan identified the agencies' preferred alternative, cleanup goals, and estimated time frames for achieving the cleanup. An Integrated Action Plan was also developed which established a priority for action for a two-phase process of controlling releases of contaminants into the bay (source control) followed by sediment cleanup for all eight problem areas.

The public comment period extended from February 24, 1989, to June 24, 1989; two public meetings were held during the comment period. The comment period for the CB/NT site was longer than usual due to the complexities and scope of the problem. Following the 120-day public comment period, EPA and Ecology prepared a Responsiveness Summary (Appendix B of the ROD), which described and responded to significant community concerns. The agencies received comments from 48 interested parties that represented a large cross-section of the affected community. After consideration of these comments, EPA selected a final remedy (i.e., cleanup plan) with the concurrence of Ecology and the Puyallup Tribe of Indians, as described in the next section.

## 3.2 CB/NT DECISION PHASE

The selection of the remedy is an important milestone because it represents a transition from a Decision Phase to a Cleanup Phase. The Record of Decision (ROD), which was completed September 30, 1989, is the blueprint for long-term cleanup actions at the site. The cleanup plan described in the ROD will be achieved over a 15-20 year period.

The CB/NT ROD addresses actual and potential effects to the marine environment of the CB/NT site. It is based on extensive information regarding environmental and public health issues at the site, and a thorough evaluation of cleanup alternatives. It describes the CB/NT site, the selected cleanup plan, including costs and schedules, and EPA's response to public comments on the Proposed Plan. The ROD is available for public review (please see the last page of this package for information sources).

**The ROD documents EPA's selection of a final cleanup plan for eight specific problem areas within the site (see map).** Each problem area is a localized drainage basin within Commencement Bay and is characterized in two ways: 1) as a chemically contaminated portion of marine bottom sediments; and, 2) as a combination of properties, urban development, and industrial operations that appear to

be the major sources of contamination to the marine environment. As stated in the general site description above, an additional problem area, the Ruston Shoreline (see location 1 on map), is being addressed separately in association with the Asarco Tacoma Smelter.

The overall cleanup goal for the site (outlined in the Record of Decision) is to achieve sediment quality in the bay that will support a healthy marine environment and will reduce the risk of eating contaminated seafood from the bay. The cleanup plan is comprehensive and will affect industry, businesses, property owners, renters, lessees and real estate transactions in the Commencement Bay area over the next several years.

The selected remedy includes five key elements: 1) continued public health warnings on seafood consumption, 2) source control, 3) natural recovery of marginally contaminated sediments, 4) active cleanup of significantly contaminated sediments, and 5) long-term monitoring.

The selected remedy for sediment cleanup involves the use of confinement technologies to be implemented on-site for contaminated sediments in all eight problem areas. The four containment options identified in the ROD for cleanup are in-place capping, confined aquatic disposal, nearshore disposal, and upland disposal. The estimated cost of sediment cleanup as determined in the ROD is $32,300,000 for all eight problem areas warranting further action under Superfund. The estimated cost for sediment cleanup for each of the eight problem areas is listed below:

| Problem Area | Estimated Cost* (in millions) |
|---|---|
| Head of Hylebos Waterway | $ 8.1 |
| Mouth of Hylebos Waterway | $ 5.7 |
| Sitcum Waterway | $ 3.4 |
| St. Paul Waterway | $ 1.8 |
| Middle Waterway | $ 4.2 |
| Head of Thea Foss Waterway | $ 7.6 |
| Wheeler-Osgood Waterway | $ 1.4 |
| Mouth of Thea Foss Waterway | $ 0.1 |

* Costs are based on the confined aquatic disposal option for all problem areas, except St. Paul which was addressed by the cap in place option, and do not include estimates for source control measures.

## 3.3 CB/NT CLEANUP PLAN

Implementation of the cleanup plan defined in the CB/NT ROD requires a cooperative effort between EPA and Ecology and the affected community, including private citizens, businesses, the Port of Tacoma, the City of Tacoma, and the Puyallup Tribe. The intention of the agencies is to identify parties responsible under Superfund

for the contamination problems at the site (see next section) and require them to pay for and/or perform the cleanup. The goal, as described previously, is to achieve a level of cleanup that is protective of human health and the environment, but to minimize disruption of business and port activities to the extent possible.

Source identification, characterization and control activities are underway in all eight CB/NT problem areas. Although cleanup activities will be implemented independently in each problem area, activities among different problem areas have been prioritized according to source control. It is expected that essential source control will be accomplished in all problem areas over the next five years. Upon completion of source control in a waterway, EPA will initiate sediment cleanup activities. In general, each of the eight problem areas will be cleaned up according to the following phased approach:

### 3.3.1 PHASE ONE - SOURCE CONTROL

Since completion of the RI in 1985, the identification and control of contaminant sources has been recognized as the first step in cleaning up the CB/NT site. Source control activities have been conducted primarily by Ecology, using state water quality and state hazardous waste cleanup authorities. Since June 1989, through a Cooperative Agreement with EPA, Ecology has been designated as the lead agency for source control. Source control activities are also initiated by the City of Tacoma Sewer Utilities Division and the Tacoma-Pierce County Health Department. The major goal of Ecology's source control program is to eliminate or reduce the release of all toxic chemicals into the bay. Source control activities in Commencement Bay are broad ranging in scope and status of action.

Source control activities by Ecology include combinations of legal actions, inspections, and on-site cleanup actions. Legal enforcement may include notices of violation, penalties, issuance of permits, negotiated consent decrees, and administrative orders to ensure compliance with federal and state efforts to identify sources within a drainage basin, or to ensure that best management practices have been implemented. For many sources, such as shipyards, the implementation of best management practices is an important step towards cleanup. Some sources--storm drains, for example--are inherently complex and will be studied for potential upstream sources of contamination before cleanup will take place.

Site inspections/investigations include more detailed actions to characterize the extent of contamination; they are necessary to ensure that the cleanup action will adequately address the problem at the site. Many actions can be taken to control contaminant sources. These range from immediate actions that address the most severe site contamination to more complete cleanup measures such as groundwater extraction and treatment. The success of source cleanup actions is evaluated from inspections and monitoring data.

### 3.3.2 PHASE TWO - SEDIMENT CLEANUP

According to the ROD, the second step in the CB/NT cleanup strategy is sediment cleanup. EPA is the lead agency for enforcing sediment cleanup in each of the eight CB/NT problem areas. Sediment cleanup begins once source control is adequate for a given problem area. The recommended approach to remediating contaminated marine sediments is described in detail in the ROD.

Some marginally contaminated areas will recover naturally (over a 10 year period) following completion of adequate source control. More seriously contaminated areas will have to be actively cleaned up. The ROD defines performance criteria and a specific timeframe for cleanup, but allows use of any of four identified confinement options. Selected approaches for cleanup include the use of standard dredge and fill operations, including capping in place; or dredging and disposal in nearshore, upland, or in-water facilities. In each case the site cleanup goal would be achieved by creating an effective barrier between the contaminated sediments and the marine environment in order to prevent further exposure. During the evaluation of the design options for cleanup of each problem area, EPA will identify the specific approach to be implemented at the particular area.

Health advisories issued by the Tacoma-Pierce County Health Department will remain in effect to discourage consumption of bottom fish and shellfish until the cleanup is completed. Also, monitoring of source discharges and sediments will be important throughout the cleanup phase of the project. The monitoring data will be used by EPA to determine how effective source controls, sediment recovery and cleanup/confinement are in achieving the goals of the plan, and if further actions by EPA are necessary.

## 4.0 GENERAL RESPONSIBILITY AND LIABILITY INFORMATION

Superfund liability can be far reaching for businesses and individuals who own, lease, manage, operate, or finance real estate or business ventures. This section briefly describes the nature of liability under the federal Superfund law to explain the potential scope of responsibility under Superfund.

**Due to the complicated nature of Superfund and the other federal, state, and local environmental laws, and the potential costs of compliance, the reader is encouraged to seek professional advice on legal and technical matters related to any involvement at the CB/NT Superfund site.**

## 4.1 DESIGNATION OF POTENTIALLY RESPONSIBLE PARTIES UNDER SUPERFUND

Under the current Superfund law, if a party or person falls into one or more specific categories, they may be liable for cleanup costs, and therefore considered a Potentially Responsible Party (PRP). The categories are:

Current Owner or Operator

The current owner or operator of a facility where there has been a release of a hazardous substance. This may include an absentee owner, or a person or business that leases only a portion of a property. Individuals who control the day-to-day operations at a site may also be liable. The presence of hazardous substances on the property, including groundwater, can cause liability to the persons or businesses with an interest in the property, even if the contamination originates from off-site.

Former Owner or Operator

The former owner or operator of the property or business at the time that a hazardous substance was disposed of at the facility. A "disposal" operation has a broad definition (e.g., spilling, leaking), and may include many construction operations where contaminated soils and materials are excavated and then placed back on the ground. Court cases have also ruled that the legal successor to a business is also responsible for the original party's liabilities.

Generator

A person or business who arranged for the treatment or disposal of hazardous substances at a facility (usually referred to as a generator). You may be responsible if you own, possess, or assume control of the hazardous substances, and a person or business need not actually create a hazardous waste to be liable in this category. In addition, a business that sells a waste product containing hazardous substances may be liable for a release at the receiving facility.

Transporter

A transporter of hazardous substances for disposal or treatment who selects the facility. Generally a transporter or common carrier who merely follows the generator's orders to carry the materials to a particular facility is not liable.

## 4.2 NOTIFICATION OF RESPONSIBILITY

Superfund requires EPA to conduct a search for Potentially Responsible Parties (PRPs) to identify those who may be held liable for the cost of site investigation and cleanup actions. Under EPA's enforcement authority, PRPs may be required to perform or pay for cleanup actions whenever possible. Although EPA prefers to negotiate with private parties and encourages voluntary cleanup through legally binding agreements, it has the authority to order responsible parties to take specified cleanup actions. EPA may also elect to perform a cleanup using available Superfund monies and then take legal action to recover those monies from the responsible parties.

In the case of the CB/NT site, EPA is continuing a search to identify PRPs for each of the eight CB/NT problem areas of concern. In the initial phase of the search, EPA notified 133 PRPs of their potential Superfund liability for sediment investigation and cleanup activities in a General Notice Letter issued to them in April 1989. The letter also requested the addressees to clarify the status and history of their involvement at the site.

EPA intends to negotiate with separate groups of PRPs for each problem area, holding each group responsible for the cleanup of their designated problem area(s). Generally, EPA will use Special Notice procedures to negotiate a cleanup agreement for each problem area. Special Notice letters will be issued to start negotiations when source control measures are being implemented in each problem area, as outlined in the ROD. A Special Notice Letter will trigger a 120-day period for EPA and the PRPs to negotiate a legal agreement for the PRPs to perform the cleanup actions defined in the ROD. The public will have an opportunity to comment on cleanup agreements between EPA and PRPs.

**Property owners and businesses in the Commencement Bay area that are not associated with sources of contamination to any of the eight specific CB/NT problem areas, or who do not own or operate contaminated portions of the problem areas, generally will not be responsible for cleaning up those areas.** However, EPA may name additional PRPs through the Superfund notification procedures at a later date if new information is received.

## 4.3 LIABILITY FOR INVESTIGATIONS AND RESPONSE COSTS

The nature of liability under Superfund for the costs of cleanup is extensive. Specifically, a person that falls into one of the categories described here is liable, even if there was no negligence on their part and even if their actions were otherwise in compliance with laws existing at the time. There is no requirement that the person knew that its actions would lead to the contamination.

Furthermore, the liability is usually "joint and several", which means that all PRPs are liable for the entire cost of the cleanup. In theory, EPA could sue one PRP for the entire cost of the cleanup.

Finally, a person's liability may result in expenses in one of two ways. First, a party may be ordered or reach an agreement with EPA to perform a cleanup action. Second, EPA or another party may perform the work and seek to recover the response costs through negotiations or in a civil lawsuit. In that case, a liable party may have to reimburse all of EPA's response costs, including contractor costs, attorneys fees, and overhead expenses.

In limited circumstances, a current owner of property may avoid liability for cleanup costs if that person is an "innocent landowner", as defined by federal law. This defense requires showing that at the time of acquisition, the landowner did not know and had no reason to know that any hazardous substances were disposed of on the property. However, the burden of proving the defense is on the landowner, who must also show the exercise of due care once the contamination was discovered and that no act or omission of the landowner caused or contributed to the problem. A more detailed description of this defense is available in an EPA guidance document entitled "Guidance on Landowner Liability under Section 107(a)(1) of CERCLA, De Minimis Settlements under Section 122(g)(1)(B) of CERCLA, and Settlements with Prospective Purchasers of Contaminated Property," OSWER Guidance 9835.9, June 6, 1989.

## 4.4 OTHER POTENTIAL SUPERFUND LIABILITY

There are three other types of Superfund liability a PRP may face in the Commencement Bay area. First, a person involved with the CB/NT site is required by law to comply with official requests from EPA for information or for access to property. Generally, EPA will send a letter that requests a party to answer questions relating to their activities, with a deadline for responding to the request. Also, EPA may ask a person to sign an access agreement which allows EPA and its contractor to enter property for purposes of an investigation. **You must comply with these requests even if you are not a PRP**. These actions are authorized under Section 104(e) of Superfund, and may be imposed on a person who has information or who controls the property, regardless of other Superfund liabilities. If a person refuses to comply with such a request, EPA is authorized to force compliance by obtaining a Court order.

Second, some property owners and operators either have been or may be notified by Ecology of potential liability under Superfund and the Washington Model Toxics Control Act (MTCA) for response actions in the Tideflats area. In some cases, notification by Ecology may be related to CB/NT source control efforts. Source control action by Ecology will be very closely coordinated with EPA's efforts to clean up sediments in the nearby waterway or shoreline and may be directed towards controlling discharges to the waterways. In other cases, Ecology may contact owners and operators in the Tideflats area for reasons that may be unrelated to the CB/NT Superfund project.

Third, the responsible parties may be liable for damages to natural resources or human health caused by the contamination. Federal, state and tribal natural resource trustee agencies are working together to assess damages to natural resources in the bay. The trustees are responsible for ensuring that damages are mitigated and/or restored by the parties responsible for the damages.

The trustees and trustee agencies for this site are:

the Puyallup Tribe of Indians,
the Muckleshoot Indian Tribe,
the Washington Department of Ecology,
the Washington Department of Natural Resources (DNR),
the Washington Department of Fisheries,
the Washington Department of Wildlife,
the National Oceanic and Atmospheric Administration (NOAA),
the U.S. Department of Interior,
the U.S. Bureau of Indian Affairs, and
the U.S. Fish and Wildlife Service.

Natural resource damages assessments are authorized by the federal Superfund law and are being coordinated through a Memorandum of Agreement among the trustees and EPA. If you would like more information, please contact Chris Mebane of NOAA (see last page), the lead trustee agency for the site.

## 5.0 PUBLIC PARTICIPATION

EPA established a Technical Discussion Group (TDG) in December 1989 to expand the number of persons participating in discussions about technical information and decisions regarding this complex cleanup. Participants include other regulatory agencies, PRPs, and other interested members of the community.

The TDG is intended to provide concerned and affected parties with an opportunity to review and exchange technical and planning information related to the cleanup phase of this project. It is also intended to provide a framework for communication and coordination with other regulatory programs within the tideflats area throughout the cleanup phase.

EPA hopes that the TDG will provide the agency with valuable insight into technical issues of concern and thereby contribute to project direction and findings. It will not, however, serve as a forum for legal negotiations between the agencies and those parties found responsible for contamination at the site. Therefore, while group input will be important to the agency, it will not form EPA policy or determine EPA's

course of action, nor will it replace or preclude the regular 30-day public comment period required upon completion of negotiated agreements between EPA and responsible parties for sediment cleanup in each of the eight problem areas. For more information regarding the TDG, you may contact Michelle Pirzadeh, EPA Community Relations Coordinator (see last page).

## SUMMARY

The information provided here is intended to be general and help property owners and businesses in the Tacoma Tideflats area understand the CB/NT site and the Superfund process. However, this information package provides only an overview. Also attached is a table (see Table 1) which lists some of the important activities which have occurred since the signing of the ROD. Questions regarding the ROD and other CB/NT issues should be directed to one of the EPA representatives listed in the following section. Any questions regarding source control issues should be directed to Kevin Godbout at Ecology (see last page).

In addition to the information contained in this information package, you should also find attached a copy of the most recent fact sheet for the CB/NT site which identifies the current activity at the site. To have your name placed on a mailing list for future fact sheets, you may contact Michelle Pirzadeh, EPA Community Relations Coordinator (see last page).

# 6.0 SOURCES OF ADDITIONAL INFORMATION

## 6.1 AGENCY CONTACTS

U.S. EPA Superfund Hotline, 1(800) 424-4EPA

U.S. Environmental Protection Agency -- Seattle office:

Mike Stoner, Superfund Team Leader (206) 553-2710
Peggy Justus, Site Manager (206) 553-2138
Lori Cohen, Site Manager (206) 553-6523
Karen Keeley, Site Manager (206) 553-2141
Rich McAllister, Assistant Regional Counsel (206) 553-8203
Michelle Pirzadeh, Comm. Relations Coordinator (206) 553-1272
Peter Contreras, Site Assistant (206) 553-6708

Natural Resource Trustee

Chris Mebane, NOAA (206) 553-2101

Washington Department of Ecology -- Southwest Regional Office (Source Control):

Kevin Godbout, Urban Bay Action Team Leader (206) 586-2775

## 6.2 REFERENCES (CONTACT PETER CONTRERAS LISTED ABOVE)

Commencement Bay Nearshore/Tideflats Proposed Plan Fact Sheet, Washington Department of Ecology, February 1989.

Commencement Bay Nearshore/Tideflats Remedial Investigation Reports, Prepared by Tetra Tech, Inc. for the Washington Department of Ecology, August 1985.

Commencement Bay Nearshore/Tideflats Feasibility Study Reports, Prepared by Tetra Tech, Inc. and PTI Environmental Services, Inc. for Washington Department of Ecology, February 1989.

Commencement Bay Nearshore/Tideflats Record of Decision, Prepared by the U.S. Environmental Protection Agency, Region 10, September 1989.

## 6.3 INFORMATION REPOSITORIES

The Administrative Record, which includes the ROD and other agency decision-making documents, is available at the following locations:

U.S. EPA
Region 10 Superfund Branch
Mail Stop: HW-113
1200 6th Avenue
Seattle, WA

Tacoma Public Library, Main Branch
1102 Tacoma Avenue South
Tacoma, WA

The CB/NT ROD is also available for review at the following locations:

Tacoma Pierce County
Health Department
3633 Pacific Avenue
Tacoma, WA

PLU Library
121st and S. Park Avenue
Tacoma, WA

Kobetich Branch Library
212 Browns Point Boulevard
Tacoma, WA

City of Tacoma
Environmental Commission
747 Market Street, Suite 345
Tacoma, WA

Ecology SW Regional Office
7272 Cleanwater Lane
Olympia, WA

## TABLE 1
## CB/NT SIGNIFICANT POST-ROD EVENTS

6/89 - The Puyallup Tribe of Indians and the Port of Tacoma's Land Settlement Agreement becomes state and federal law. Requires the Port to transfer ownership of six properties in the Tideflats area to the Tribe.

9/89 - Record of Decision signed.

3/90 - EPA, the Port, Ecology, and the Puyallup Tribe sign a Memorandum of Agreement to establish a process for the oversight of cleanup actions required at properties covered under the Puyallup Settlement Agreement.

5/90 - Memorandum of Agreement signed between the Trustees and EPA to coordinate the assessment of damages to the natural resources with ongoing studies and remedial, enforcement and restoration activities in the Commencement Bay environment.

6/90 - Cumulative Impacts Study initiated by the Army Corps of Engineers to evalute "special aquatic sites" that are or have been located within Commencement Bay.

9/90 - EPA Region 10 signed Consent Decree for St. Paul Waterway (pending lodging 6/91).

3/91 - Administrative order on consent signed between EPA and the Port of Tacoma for the Port to evaluate sediment cleanup alternatives for Sitcum Waterway.

5/91 - EPA and BankAmerica/Seafirst finalize a Prospective Purchaser's Agreement for abandoned Fick Foundry property in the Mouth of Thea Foss problem area. The agreement limits the bank's Superfund liability for sediment contamination upon foreclosure of the mortgage.

6/91 - EPA notified an additional 18 PRPs of their potential liability, and requested information of those parties.

ENCLOSURE B

## COMPREHENSIVE LIST OF POTENTIALLY RESPONSIBLE PARTIES FOR THE COMMENCEMENT BAY NEARSHORE/TIDEFLATS SUPERFUND SITE OPERABLE UNIT 01-SEDIMENTS

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| **HYLEBOS WATERWAY** | | |
| AK-WA Shipbuilding | AK-WA Shipbuilding<br>401 Alexander Avenue, Building 588<br>Tacoma, WA 98421 | 1. 401 Alexander Avenue, Building 588 |
| Airo Services, Inc. | Airo Services, Inc.<br>4110 East 11th Street<br>Tacoma, WA 98421 | 1. 4110 East 11th Street |
| Anderson, Stephen | Stephen Anderson<br>3140 East 11th Street<br>Tacoma, WA 98421 | 1. 3140 East 11th Street |
| AOL Express, Inc. (formerly listed as Gateway Consolidators) | AOL Express, Inc.<br>2000 Taylor Way<br>Tacoma, WA 98421 | 1. 2000 Taylor Way, 3401 Lincoln Avenue |
| Babet Fund III (formerly listed as Babet Financial Company) | Babet Fund III<br>154 Corral de Tierra Road<br>Salinas, CA 93908 | 1. 2218 Marine View Drive |
| Bonneville Power Administration | Office of Environment<br>Bonneville Power Administration<br>P.O. C-19030<br>201 Queen Anne Avenue N., Suite 400<br>Seattle, WA 98109-1030 | 1. 3702 Alexander Avenue |
| Brazier Forest Industries (formerly listed as Brazier Forest Products) | Brazier Forest Industries<br>P.O. Box 99945<br>Tacoma, WA 98499 | 1. 1501 Taylor Way |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Bronger, Ken | Ken's<br>2930 Marine View Drive<br>Tacoma, WA 98422 | 1. 2930 Marine View Drive |
| Buffelen Woodworking Company | Buffelen Woodworking Co.<br>P.O. Box 1383<br>Tacoma, WA 98401 | 1. 1901 Taylor Way,<br>Lincoln Avenue/Taylor Way |
| Cenex Agriculture, Inc. | Cenex Agriculture, Inc.<br>200 West Mercer St., Ste. 305<br>Seattle, WA 98119 | 1. 1801 Taylor Way |
| Chemical Processors, Inc. | Chemical Processors, Inc.<br>2203 Airport Way South, Ste. 400<br>Seattle, WA 98134 | 1. 1500 Taylor Way, 1701 Alexander Ave.<br>2. 1851 Alexander Ave. (Parcel A)[a] |
| City of Tacoma | City of Tacoma<br>Tacoma Municipal Building<br>747 Market Street<br>Tacoma, WA 98402-3767 | 1. 1200 Taylor Way, East 11th and Hylebos Waterway<br>2. Storm drains |
| Coski, Bernard | Bernard Coski<br>5323 12th St. NE<br>Tacoma, WA 98422 | 1. 5403 Pendle Lease Road<br>2. 2500 block Marine View Drive<br>3. 4106 East 11th Street |
| Dent Doctor, The | The Dent Doctor<br>2928 Marine View Drive<br>Tacoma, WA 98422 | 1. 2928 Marine View Drive |
| Dunlap Towing Company | Dunlap Towing Company<br>P.O. Box 593<br>LaConner, WA 98257 | 1. 3009 Taylor Way |
| Executive Bark (formerly listed as B&L Trucking & Construction Co.) | Executive Bark, Inc.<br>1621 Marine View Drive<br>Tacoma, WA 98422 | 1. Porter Way, Milton<br>2. 1621 Marine View Dr. |
| F.O. Fletcher, Inc. (formerly listed as Fletcher Oil Company) | F.O. Fletcher, Inc.<br>471 N. Curtis Road<br>Boise, ID 83706 | 1. 709 Alexander Avenue |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| General Metals, Inc. | General Metals, Inc.<br>1902 Marine View Dr.<br>Tacoma, WA 98422 | 1. 1870/1883/1902 Marine View Dr. |
| Howard, Donna | c/o Western Superior Structurals Manufacturing<br>6713 Pacific Highway E.<br>Tacoma, WA 98424 | 1. 6713 Pacific Highway E. |
| Huke, Robert | Robert Huke<br>3502 Greenwood Avenue<br>Tacoma, WA 98466 | 1. 3001 Marine View Dr. |
| J. & G. Investments | J. & G. Investments<br>4812 East 64th St.<br>Tacoma, WA 98443 | 1. 1690 Marine View Dr. |
| Jones Chemicals, Inc. | Jones Chemicals, Inc.<br>80 Munson St.<br>LeRoy, NY 14482 | 1. 1919 Marine View Dr. |
| Jones-Goodell Corporation | Jones-Goodell Corp.<br>1690 Marine View Dr.<br>Tacoma, WA 98422 | 1. 1690 Marine View Dr. |
| Joseph Simon & Sons | Joseph Simon & Sons<br>2202 E. River St.<br>Tacoma, WA 98421 | 1. 1515 Taylor Way |
| Kaiser Aluminum & Chemical Corp. | Kaiser Aluminum & Chemical Corp.<br>3400 Taylor Way<br>Tacoma, WA | 1. 3400 Taylor Way |
| Lone Star Industries | c/o Lone Star Northwest<br>5975 E. Marginal Way S.<br>P.O. Box 1730<br>Seattle, WA 98111 | 1. 3601 Taylor Way |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Louisiana Pacific Corp. | Louisiana Pacific Corp.<br>Legal Department<br>111 SW Fifth Avenue<br>Portland, OR 97204 | 1. 3701, 3825 Taylor Way |
| Manke Lumber Company, Inc. | Manke Lumber Company, Inc.<br>1717 Marine View Dr.<br>Tacoma, WA 98422 | 1. 1730, 1750 Marine View Dr. |
| May, Annon W., et. al. | No known address | 1. 3003 Taylor Way |
| McFarland-Cascade (formerly listed as Cascade Pole) | c/o B. Corry McFarland<br>1640 E. Marc<br>Tacoma, WA 98421 | 1. 2602 Marine View Dr. |
| Milgard Manufacturing, Inc. | Milgard Manufacturing, Inc.<br>1010 54th Avenue East.<br>P.O. Box 11368<br>Tacoma, WA 98411-0368 | 1. 1010 54th Avenue E. |
| Mintercreek Development | Mintercreek Development<br>4224 Waller Road<br>Tacoma, WA 98443 | 1. 4102 East 11th St.<br>2. 4106 East 11th St. |
| Modutech Marine, Inc. | Modutech Marine, Inc.<br>2218 Marine View Dr.<br>Tacoma, WA 98422 | 1. 2218 Marine View Dr. |
| Murray Pacific Corp. | Murray Pacific Corp.<br>3502 Lincoln Avenue<br>Tacoma, WA 98421 | 1. 3502, 3542 Lincoln Avenue |
| Nars, Ragnar | Ragnar Nars<br>One Stadium Way N.<br>Tacoma, WA 98403 | 1. 2116 Taylor Way |
| Nordlund Boat Company, Inc. | Nordlund Boat Company, Inc.<br>1621 Taylor Way<br>Tacoma, WA 98421 | 1. 1621 Taylor Way<br>2. 1622 Marine View Dr. |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Nordlund Properties, Inc. | Nordlund Properties, Inc.<br>1621 Taylor Way<br>Tacoma, WA 98421 | 1. 1622 Marine View Dr. |
| Northwest Processing, Inc. | Northwest Processing, Inc.<br>1707 Alexander Ave.<br>Tacoma WA 98401-0940 | 1. 1701, 1800 Alexander Ave. |
| Occidental Chemical Corporation | Occidental Chemical Corporation<br>P.O. Box 2157<br>Tacoma, WA 98410 | 1. 605 Alexander Ave. |
| Oline, Donald | Donald Oline<br>P.O. Box 428<br>Montesano, WA 98563 | 1. 1800 Marine View Dr.<br>2. 1940, 1950 Marine View Dr.<br>3. 2008 Marine View Dr.<br>4. 2218 Marine View Dr. |
| Oline, Ron & Brad et al. | Ron & Brad Oline<br>1940 Marine View Dr.<br>Tacoma, WA 98422 | 1. 1800 Marine View Dr.<br>2. 1940, 1950 Marine View Dr.<br>3. 2008 Marine View Dr. |
| Pan Pacific Trading Co. | Pan Pacific Trading Co.<br>c/o Murray Pacific Corp.<br>3502 Lincoln Avenue<br>Tacoma, WA 98421 | 1. 3502, 3452 Lincoln Ave. |
| PRI (Pacific Resources) Northwest, Inc. | PRI Northwest, Inc.<br>PRI Tower<br>733 Bishop St.<br>P.O. Box 3379<br>Honolulu, HI 96842 | 1. 709 Alexander Ave. |
| Pederson Oil | No known address | 1. 1622 Marine View Dr. |
| Pennwalt Corp. | Pennwalt Corp.<br>Pennwalt Building<br>Three Parkway<br>Philadelphia, PA 19102-1398 | 1. 2901, 3009 Taylor Way |

**ENCLOSURE B (Continued).**

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Petroleum Reclaiming Services, Inc. | Petroleum Reclaiming Services, Inc.<br>3003 Taylor Way<br>Tacoma, WA 98421 | 1. 3003 Taylor Way |
| Poligen Corp. | Poligen Corporation<br>1801 Alexander Avenue<br>Tacoma, WA 98421 | 1. 1701, 1800 Alexander Ave. |
| Port of Tacoma | Port of Tacoma<br>P.O. Box 1837<br>Tacoma, WA 98401-1837 | 1. 401 Alexander Ave. (Parcel 1)[b]<br>2. 845, 901 Alexander Ave. (Parcel 2)<br>3. 1221, 1225 Alexander Ave. (Parcel 6)<br>4. 2515 Alexander Ave. (Parcel 13)<br>5. 1405 Marine View Dr. (Parcel 45)<br>6. 1537 Marine View Dr. (Parcel 46)<br>7. 1602 Marine View Dr. (Parcel 47)<br>8. 1670 Marine View Dr. (Parcel 50)<br>9. 1845 Marine View Dr. (Parcel 51)<br>10. 3002 Taylor Way (Parcel 9)<br>11. 3702 Taylor Way (Parcel 11)<br>12. 4200 East-West Road (Parcel 14)<br>13. 4215 East-West Road (Parcel 15)<br>14. 3529 East 11th St. (Parcel 4)<br>15. Paxport Mills/no address (Parcel 12)<br>16. Mouth of Hylebos (Parcel 43)<br>17. Head of Hylebos (Parcel 56) |
| Rail & Locomotive Equipment Company | c/o Joseph Simon & Sons<br>2202 E. River Street<br>Tacoma, WA 98421 | 1. 1515 Taylor Way |
| Samson Marine of Tacoma | Samson Marine of Tacoma<br>3402 90th Avenue E.<br>Puyallup, WA 98371 | 1. 4106 East 11th St. |
| Seaport Bark Supply | c/o Patrick Biggs, Attorney<br>P.O. Box 1193<br>1001 Pacific Avenue, Ste. 400<br>Tacoma, WA 98401 | 1. 3542 Lincoln Ave. |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Shell Oil Co. | Shell Oil Co.<br>Two Shell Plaza<br>P.O. Box 2099<br>Houston, TX 77252 | 1. 3140 East 11th St. |
| Solidus Corp. | Solidus Corp.<br>P.O. Box 817<br>Tacoma, WA 98401 | 1. 1701, 1800 Alexander Ave.<br>2. 1851 Alexander Ave. |
| Sound Refining Co. | Sound Refining Co.<br>c/o Crysen Corp.<br>P.O. Box 15600<br>825 Parkcenter Dr.<br>Santa Ana, CA 92705 | 1. 2628, 2638 Marine View Dr,. 4102 East 11th St.<br>2. 3906 East 11th St. |
| Stone Investments | Stone Investments<br>P.O. Box 25190<br>Honolulu, HI 96825 | 1. 2228 Marine View Dr. |
| Stracke, Clarence | Clarence Stracke<br>3001 Marine View Dr.<br>Tacoma, WA 98422 | 1. 3001 Marine View Dr. |
| Superlon Plastics | Superlon Plastics<br>2116 Taylor Way<br>Tacoma, WA 98421 | 1. 2116 Taylor Way |
| Sussman, Leslie | Leslie Sussman<br>One Stadium Way No. 6<br>Tacoma, WA 98403 | 1. 1870, 1902 Marine View Dr. |
| Tacoma Boatbuilding Co., Inc. | Tacoma Boatbuidling Co., Inc.<br>1840 Marine View Dr.<br>Tacoma, WA 98422 | 1. 1840 Marine View Dr. |
| Taylor Way Properties, Inc. (formerly listed as Taylor Way Investment Corp.) | Taylor Way Properties, Inc.<br>c/o Chemical Processors, Inc.<br>Park 90/5, Suite 400<br>2203 Airport Way S.<br>Seatle, WA 98134 | 1. 1501 Taylor Way |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| USG Interiors (formerly listed as United States Gypsum Co.) | USG Corporation<br>101 South Wacker Dr.<br>Chicago, IL 60606-4385 | 1. 2301 Taylor Way |
| U.S. Naval and Marine Corps | Dept. of the Navy<br>Engineering Field Activity, NW<br>Naval FAcilities Engineering Command<br>3505 NW Anderson Hill Rd.<br>Silverdale, WA 98383-9130 | 1. 1100 Alexander Ave. |
| Vance Lift Truck | Vance Lift Truck<br>3302 East 11th St.<br>Tacoma, Wa 98421 | 1. 3302 East 11th St. |
| Washington Dept. of Natural Resources | Washington Dept. of Natural Resources<br>Divison of Aquatic Lands<br>Olympia, WA 98504 | 1. Hylebos Waterway |
| Western Superior Structurals Manufacturing (formerly listed as Western Engineering) | Western Superior Structurals Manufacturing<br>6713 Pacific Highway E.<br>Tacoma, WA 98424 | 1. 6713 Highway E. |
| Weyerhaeuser Company | Weyerhaeuser Co.<br>5102 40th St.<br>Tacoma, WA 98443 | 1. 3401 Taylor Way |
| Wright Marine Towing, Inc. | Wright Marine Towing, Inc.<br>P.O. Box 47<br>Tacoma, WA 98401 | 1. 3906 East 11th St. |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| **SITCUM WATERWAY** | | |
| Allied Chemical Corp. | Allied Chemical Corp.<br>Engineering Materials Sector<br>P.O. Box 1139 R<br>Morrison, NJ 07960 | 1. 1410 Thorne Road |
| APEX Forge & Tool Co. | APEX Forge & Tool Co.<br>2311 Ross Way<br>Tacoma, WA 98421 | 1. 2311 Ross Way |
| ASARCO, Inc. | ASARCO, Inc.<br>P.O. Box 1617<br>Tacoma, WA 98421 | 1. 1801 Thorne Road |
| Barthel Chemical Co. | Barthel Chemical Co.<br>c/o Norcore Plastics<br>1144 Thorne Road<br>Tacoma, WA 98421 | 1. 1144 Thorne Road |
| Barthel, Loretta | Loretta Barthel<br>c/o Bank of California Trust<br>P.O. Box 3123<br>Seattle, WA 98114 | 1. 2434 East 11th Street |
| Cascade Timber Co. | Cascade Timber Co.<br>2332 East 11th Street<br>Tacoma, WA 98421 | 1. 1801 Thorne Road |
| Certainteed Corp. | Certainteed Corp.<br>P.O. Box 860<br>Valley Forge, PA 19482 | 1. 1718 Thorne Road |
| Chicago Milwaukee Corp. | Chicago Milwaukee Corp.<br>CMC Heartland Partners<br>547 West Jackson Boulevard<br>Suite 1510<br>Chicago, IL 60606 | 1. 1119 Milwaukee Way |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| City of Tacoma | City of Tacoma<br>Tacoma Municipal Building<br>747 Market Street<br>Tacoma, WA 98402-3767 | 1. 1101 Milwaukee Way<br>2. Storm drains |
| Cole Investment Co. | Cole Investment Co.<br>2338 Ross Way<br>Tacoma, WA 98421 | 1. 2335, 2338 Ross Way |
| Cole Screenprint Co. | Cole Screenprint Co.<br>2338 Ross Way<br>Tacoma, WA 98421 | 1. 2335, 2338 Ross Way |
| Collins Transport | Collins Transport<br>2235 Ross Way<br>Tacoma, WA 98421 | 1. 2235 Ross Way |
| Dykman, Marvin and Glee | Marvin and Glee Dykman<br>c/o Sound Battery<br>2310 East 11th Street<br>Tacoma, WA 98421 | 1. 2310 East 11th Street |
| General Chemical Corp. (formerly listed as One Newco, Inc.) | General Chemical Corp.<br>P.O. Box 389<br>Parsnippany, NJ 07054-0389<br><br>General Chemical Corp.<br>Nichols Road<br>Pittsburg, CA 94656 | 1. 1410 Thorne Road |
| Georgia Pacific Resins, Inc. | Georgia Pacific Resins, Inc.<br>Law Department<br>133 Peachtree Street N.E.<br>P.O. Box 105605<br>Atlanta, GA 30348 | 1. 1754 Thorne Road |
| Glein Investments | Glein Investments<br>c/o Norcore Plastics<br>1144 Thorne Road<br>Tacoma, WA 98421 | 1. 1144 Thorne Road |

**ENCLOSURE B (Continued).**

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Hertz Equipment Rental Corp. | Hertz Corp.<br>225 Brae Boulevard<br>Park Ridge, NJ 07656-0713 | 1. 2216 East 11th Street |
| Hub Equipment Co. | Hub Equipment Co.<br>2434 East 11th Street<br>Tacoma, WA 98421 | 1. 2434 East 11th Street |
| Hygrade Food Products Corp. | Hygrade Food Products Corp.<br>c/o NuLife Fertilizers<br>P.O. Box 883<br>Tacoma, WA 98401 | 1. 1424 Thorne Road<br>2. 1903 Lincoln Avenue |
| International Transportation Services | International Transportation Services<br>Husky Terminal<br>Port of Tacoma, Terminal 7<br>Tacoma, WA 98421 | 1. Terminal 7 |
| Jones Washington Stevedoring | Jones Washington Stevedoring<br>7245 West Marginal Way S.W.<br>Seattle, WA 98106 | 1. Terminal 7 |
| Kaiser Aluminum & Chemical Co. | Kaiser Aluminum & Chemical Co.<br>3400 Taylor Way<br>Tacoma, WA 98421 | 1. Terminal 7 |
| Liquid Air Products | Liquid Air Products<br>1451 Thorne Road<br>Tacoma, WA 98421 | 1. 1451 Thorne Road |
| Mann Russel Electronics | Mann Russel Electronics<br>1401 Thorne Road<br>Tacoma, WA 98421 | 1. Terminal 7 |
| McFarland-Cascade | c/o B. Corry McFarland<br>1640 East Marc<br>Tacoma, WA 98421 | 1. Terminal 7 |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| McKenzie, Eva | Eva McKenzie<br>c/o Robert Hicks<br>5701 Richey Road<br>Yakima, WA 98908 | 1. 2432 East 11th Street, 2339 Ross Way |
| Mintercreek Development | Mintercreek Development<br>4224 Waller Road<br>Tacoma, WA 98443 | 1. 2311 Ross Way |
| Modern Properties Partnership (formerly listed as Modern Properties, Inc.) | Modern Properties Partnership<br>P.O. Box 110880<br>Tacoma, WA 98411 | 1. 2006, 2016 East 11th Street<br>2. 2220 East 11th Street<br>3. 1125 Thorne Road |
| Nelson, Carl | No known address | 1. 2235 Ross Way |
| Norcore Plastics | Norcore Plastics<br>1144 Thorne Road<br>Tacoma, WA 98421 | 1. 1144 Thorne Road |
| North American Environmental | North American Environmental<br>2432 East 11th Street<br>Tacoma, WA 98421 | 1. 1144 Thorne Road |
| NuLife Fertilizers | NuLife Fertilizers<br>P.O. Box 883<br>Tacoma, WA 98401 | 1. 1424 Thorne Road<br>2. 1903 Lincoln Avenu |
| Oregon Washington Railroad and Navigation Company | Union Pacific Railroad Company<br>Law Department<br>1416 Dodge Street<br>Omaha, NE 68179 | 1. 1119 Milwaukee Way |
| PABCO Roofing Products | Pacific Coast Building Products<br>1014 Chelsey Avenue<br>Richmond, CA 94804 | 1. 1718 Thorne Road |
| Pacific Marine Repair | Pacific Marine Repair<br>4102 East 11th Street<br>Tacoma, WA 98421 | 1. 2220 East 11th Street |

**ENCLOSURE B (Continued).**

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Pacific Rail Services | Pacific Rail Services<br>1101 Milwaukee Way<br>Tacoma, WA 98421 | 1. 1101 Milwaukee Way |
| Pacific Rim Packaging Corp. | Pacific Rim Packaging Corp.<br>801 Chesley Avenue<br>P.O. Box 4026<br>Richmond, CA 94804-0026 | 1. 1702 Port of Tacoma Road |
| Pacific Storage | Pacific Storage<br>P.O. Box 1757<br>Tacoma, WA 98401 | 1. 1440 Port of Tacoma Road |
| Port of Tacoma | Port of Tacoma<br>P.O. Box 1837<br>Tacoma, WA 98401-1837 | 1. 551 Port of Tacoma Road (Parcel 27C)<br>2. Terminal 7 (Parcel 27B)<br>3. 1002 Milwaukee Way (Parcel 41A)<br>4. 1101 Milwaukee Way - South intermodal railyard<br>5. Sitcum Waterway (Parcel 53) |
| Rheem Container Corp. | Rheem Container Corp.<br>83 Wooster Heights Road<br>Danbury, CT 06810 | 1. 1702 Port of Tacoma Road |
| Sea-Land | Sea-Land<br>1002 Milwaukee Way<br>Tacoma, WA 98421 | 1. 1002 Milwaukee Way |
| Shortt Saw & Knife | Shortt Saw & Knife<br>2331 Ross Way<br>Tacoma, WA 98421 | 1. 2331 Ross Way |
| Shortt, William | William Shortt<br>c/o TVC Marketing Associates<br>4011 S.W. 321st<br>Federal Way, WA 98023 | 1. 2331 Ross Way |
| Sound Battery | Sound Battery<br>2310 Ross Way<br>Tacoma, WA 98421 | 1. 2310 Ross Way |

**ENCLOSURE B (Continued).**

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Stevedoring Services of America | Stevedoring Services of America<br>1980 Milwaukee Way<br>Tacoma, WA 98421 | 1. Terminal 7 |
| Suburban Propane | Suburban Propane<br>One Suburban Plaza<br>P.O. Box 206<br>Whippany, NJ 07981-0206 | 1. 1125 Thorne Road |
| Tacoma Port Angeles Auto Freight | Tacoma Port Angeles Auto Freight<br>2235 Ross Way<br>Tacoma, WA 98421 | 1. 2235 Ross Way |
| Tatco | Tatco<br>c/o Pacific Storage<br>P.O. Box 1757<br>Tacoma, WA 98401 | 1. 1440 Port of Tacoma Road |
| Washington Department of Natural Resources | Washington Department of Natural Resources<br>Division of Aquatic Lands<br>Olympia, WA 98504 | 1. Sitcum Waterway |
| William Drury Co. | William Drury Co.<br>2220 East 11th Street<br>Tacoma, WA 98421 | 1. 2220 East 11th Street |
| **ST. PAUL WATERWAY** | | |
| Champion International | Champion International<br>One Champion Plaza<br>Stamford, CT 06921 | 1. 1214, 1216, 1220 St. Paul Avenue |
| Simpson Tacoma Kraft Co. | Simpson Tacoma Kraft Co.<br>900 Fourth Avenue<br>Seattle, WA 98164 | 1. 1214, 1216, 1220 St. Paul Avenue |
| Washington Department of Natural Resources | Washington Department of Natural Resources<br>Division of Aquatic Lands<br>Olympia, WA 98504 | 1. St. Paul Waterway |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| **MIDDLE WATERWAY** | | |
| Cook's Marine Specialties | Cook's Marine Specialties<br>223 East "F" Street<br>Tacoma, WA 98421 | 1. 223 East "F" Street |
| Foss Maritime Co. | Foss Maritime Co.<br>660 West Ewing Street<br>Seattle, WA 98119 | 1. 223 East "F" Street<br>2. 225 East "F" Street<br>3. 313 East "F" Street |
| Marine Industries Northwest | Marine Industries Northwest<br>313 East "F" Street<br>P.O. Box 1275<br>Tacoma, WA 98401 | 1. 313 East "F" Street |
| Paxport Mills, Inc. | Paxport Mills, Inc.<br>300 Middle Waterway<br>Tacoma, WA 98421 | 1. 300 Middle Waterway |
| Pioneer Painting Co. (formerly listed as Pioneer-Gudmundson Painting Co.) | Pioneer Painting Co.<br>225 East "F" Street<br>Tacoma, WA 98421 | 1. 255 East "F" Street |
| Puget Sound Plywood | Puget Sound Plywood<br>P.O. Box 1378<br>230 East "F" Street<br>Tacoma, WA 98401 | 1. 220 230 East "F" Street |
| Simpson Tacoma Kraft Co. | Simpson Tacoma Kraft Co.<br>900 Fourth Avenue<br>Seattle, WA 98164 | 1. 917 East 11th Street, near Busti Street<br>2. 300 Middle Waterway |
| Union Pacific Railroad Co. | Union Pacific Railroad Co.<br>Law Department<br>1416 Dodge Street<br>Omaha, NE 68179 | 1. 300 Middle Waterway |
| Washington Belt & Drive Systems | Washington Belt & Drive Systems<br>P.O. Box 24126<br>2755 Airport Way South<br>Seattle, WA 98124 | 1. 672 East 11th Street |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Washington Department of Natural Resources | Washington Department of Natural Resources<br>Division of Aquatic Lands<br>Olympia, WA 98504 | 1. Middle Waterway |
| Western Machine Works, Inc. | Western Machine Works, Inc.<br>666 East 11th Street<br>Tacoma, WA 98421 | 1. 660, 664, 666 East 11th Street |
| **WHEELER-OSGOOD WATERWAY** | | |
| Burlington Northern Railroad Co. | Burlington Northern Railroad Co.<br>Law Department<br>3800 Continental Plaza<br>777 Main Street<br>Fort Worth, TX 76102 | 1. Wheeler-Osgood Waterway |
| Chevron USA, Inc. | Chevron USA, Inc.<br>555 Market Street<br>San Francisco, CA 94105 | 1. 1648 East "J" Street |
| City of Tacoma | City of Tacoma<br>Tacoma Municipal Building<br>747 Market Street<br>Tacoma, WA 98402-3767 | 1. Storm drains |
| Griffin Galbraith Fuel Co. | Griffin Galbraith Fuel Co.<br>c/o Matthews Heating Oils, Inc.<br>1646 East "J" Street<br>Tacoma, WA 98421-1693 | 1. 1648 East "J" Street |
| Northwest Container Corp., Inc. | Northwest Container Corp., Inc.<br>c/o Premier Industries<br>1019 Pacific Avenue, Suite 1501<br>Tacoma, WA 98402 | 1. 631, 635 East 15th Street |
| Rainier Plywood Co. | Rainier Plywood Co.<br>624 East 15th Street<br>Tacoma, WA 98421 | 1. 624 East 15th Street |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Western Plastics Corp. | Western Plastics Corp.<br>c/o Premier Industries<br>1019 Pacific Avenue, Suite 1501<br>Tacoma, WA 98402 | 1. 631, 635 East 15th Street |
| **CITY (THEA FOSS) WATERWAY** | | |
| City of Tacoma | City of Tacoma<br>Tacoma Municipal Building<br>757 Market Street<br>Tacoma, WA 98402-3767 | 1. Storm drains |
| Coast Craft, Inc. | Coast Craft, Inc.<br>1002 East "F" Street<br>P.O. Box 1777<br>Tacoma, WA 98401-1777 | 1. 919, 1002 East "F" Street<br>2. 1933 Dock Street |
| Coast Iron & Marine Works | Coast Iron & Machine Works<br>5225 East 7th<br>Tacoma, WA 98421 | 1. 1131 Dock Street |
| Fick Foundry | No known address | 1. 1005, 1017 East "D" Street |
| George Scofield Co., Inc. | George Scofield Co., Inc.<br>P.O. Box 1730<br>Seattle, WA 98111 | 1. 1543 Dock Street |
| Globe Machine Manufacturing | Globe Machine Manufacturing<br>701 East "D" Street<br>P.O. Box 2274<br>Tacoma, WA 98401 | 1. 701 East "D" Street |
| Harmon Cabinets, Inc. | Harmon Cabinets, Inc.<br>c/o Brandrud Furniture<br>1933 Dock Street<br>Tacoma, WA 98421 | 1. 1933 Dock Street |
| Industrial Rubber & Supply Co. (formerly listed as Industrial Rubbery Supply) | Industrial Rubber & Supply Co.<br>P.O. Box 2276<br>2307 East "D" Street<br>Tacoma, WA 98401 | 1. 2301 East "D" Street |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| J.M. Martinac Shipbuilding Corp. | J.M. Martinac Shipbuilding Corp.<br>415 East 15th Street<br>Tacoma, WA 98421 | 1. 1501 East "D" Street, 415 East 15th Street |
| Jones, Lewis | Lewis R. Jones Co.<br>#4 Forest Glen Lane S.W.<br>Tacoma, WA 98493 | 1. 1118, 2110, 2130 East "D" Street |
| Marine Iron Works, Inc. | Marine Iron Works, Inc.<br>1120 East "D" Street<br>Tacoma, WA 98421 | 1. 1120 East "D" Street |
| Mobil Oil Corp. | Mobil Oil Corp.<br>Environmental Health & Safety Department<br>P.O. Box 1031<br>Princeton, NJ 08540 | 1. 520 East "D" Street |
| North Pacific Plywood | North Pacific Plywood<br>P.O. Box 38<br>Graham, WA 98338 | 1. 1549 Dock Street |
| Oregon Washington Railroad and Navigation Company | c/o Union Pacific Railroad Co.<br>Law Department<br>1416 Dodge Street<br>Omaha, NE 68179 | 1. 21st Street and Canal Street |
| Olympic Chemical Corp. | Olympic Chemical Co.<br>702 "A" Street<br>Tacoma, WA 98402 | 1. 1002 East "D" Street |
| Parker Paint Manufacturing Co., Inc. | Parker Paint Manufacturing Co., Inc.<br>3326 South Junett<br>Tacoma, WA 98409 | 1. 3302, 3326 South Junett |
| Pickering Industries | Pickering Industries<br>2102 East "D" Street<br>Tacoma, WA 98421 | 1. 1930, 1940 East "D" Street |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Shell Oil Co. | Shell Oil Co.<br>Two Shell Plaza<br>P.O. Box 2099<br>Houston, TX 77252 | 1. East 7th and "E" Street |
| Superior Oil Co. | Superior Oil Co.<br>250 East "D" Street<br>Tacoma, WA 98421 | 1. 250 East "D" Street |
| Totem Marine Moorage Association (formerly listed as Moorage Association and Totem Boat Haven) | Totem Marine Moorage Association<br>821 Dock Street<br>Tacoma, WA 98421 | 1. 821 Dock Street |
| Unocal Corp. (formerly listed as Union Oil Co.) | Unocal Corp.<br>1201 West 5th Street<br>P.O. Box 7600<br>Los Angeles, CA 90051 | 1. 516, 523 East "D" Street |
| Union Pacific Railroad Company | Union Pacific Railroad Company<br>Law Department<br>1416 Dodge Street<br>Omaha, NE 68179 | 1. Near Busti Avenue |
| Washington Department of Natural Resources | Washington Department of Natural Resources<br>Division of Aquatic Lands<br>Olympia, WA 98504 | 1. City Waterway |
| Washington Department of Transportation | Washington Department of Transportation<br>Office of District Administrator<br>5720 Capitol Boulevard, KT-11<br>P.O. Box 9327<br>Olympia, WA 98504-9327 | 1. 24th and "A" Street |
| West Coast Grocery Co. | West Coast Grocery Co.<br>1525 East "D" Street<br>P.O. Box 2237<br>Tacoma, WA 98401 | 1. 1525, 1801 East "D" Street<br>420, East 18th Street<br>480, 490, 495 East 19th Street |

ENCLOSURE B (Continued).

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| Western Fish and Oyster | Western Fish & Oyster<br>1137 Dock Street<br>Tacoma, WA 98402 | 1. 1137 Dock Street |
| Woodworth & Company, Inc. | Woodworth & Company, Inc.<br>1200 East "D" Street<br>Tacoma, WA 98421 | 1. 1200 East "D" Street |

[a] Parcel A is the designation given to this property by Chemical Processors.

[b] Parcel numbers are designations for these properties determined by the Port of Tacoma.

## ENCLOSURE C

## POTENTIALLY RESPONSIBLE PARTIES IDENTIFIED FOR SITCUM WATERWAY
## 5 JUNE 1991

| Name | Mailing Address | Property(ies) of Concern |
|---|---|---|
| ASARCO, Inc. | ASARCO, Inc.<br>P.O. Box 1617<br>Tacoma, WA 98421 | 1. 1801 Thorne Road |
| Allied Chemical Corp. | Allied Chemical Corp.<br>Engineering Materials Sector<br>P.O. Box 1139 R<br>Morrison, NJ 07960 | 1. 1410 Thorne Road |
| Barthel, Loretta | Loretta Barthel<br>c/o Bank of California Trust<br>P.O. Box 3123<br>Seattle, WA 98114 | 1. 2434 East 11th Street |
| Cascade Timber Co. | Cascade Timber Co.<br>2332 East 11th Street<br>Tacoma, WA 98421 | 1. 1801 Thorne Road |
| Certainteed Corp. | Certainteed Corp.<br>P.O. Box 860<br>Valley Forge, PA 19482 | 1. 1718 Thorne Road |
| Chicago Milwaukee Corp. | Chicago Milwaukee Corp.<br>CMC Heartland Partners<br>547 West Jackson Boulevard<br>Suite 1510<br>Chicago, IL 60606 | 1. 1119 Milwaukee Way |
| City of Tacoma | City of Tacoma<br>Tacoma Municipal Building<br>747 Market Street<br>Tacoma, WA 98402-3767 | 1. 1101 Milwaukee Way<br>2. Storm drains |

**ENCLOSURE C (Continued).**

| Name | Mailing Address | | Property(ies) of Concern |
|---|---|---|---|
| Cole Investment Co. | Cole Investment Co.<br>2338 Ross Way<br>Tacoma, WA 98421 | 1. | 2335, 2338 Ross Way |
| Cole Screenprint Co. | Cole Screenprint Co.<br>2338 Ross Way<br>Tacoma, WA 98421 | 1. | 2335, 2338 Ross Way |
| Collins Transport | Collins Transport<br>2235 Ross Way<br>Tacoma, WA 98421 | 1. | 2235 Ross Way |
| Hub Equipment Co. | Hub Equipment Co.<br>2434 East 11th Street<br>Tacoma, WA 98421 | 1. | 2434 East 11th Street |
| International Transportation Services | International Transportation Services<br>Husky Terminal<br>Port of Tacoma Terminal 7<br>Tacoma, WA 98421 | 1. | Terminal 7 |
| Jones Washington Stevedoring | Jones Washington Stevedoring<br>7245 West Maringal Way S.W.<br>Seattle, WA 98106 | 1. | Terminal 7 |
| Kaiser Aluminum & Chemical Co. | Kaiser Aluminum & Chemical Co.<br>3400 Taylor Way<br>Tacoma, WA 98421 | 1. | Terminal 7 |
| Liquid Air Products | Liquid Air Products<br>1451 Thorne Road<br>Tacoma, WA 98421 | 1. | 1451 Thorne Road |
| McFarland-Cascade | c/o B. Corry McFarland<br>1640 East Marc<br>Tacoma, WA 98421 | 1. | Terminal 7 |
| North American Environmental | North American Environmental<br>2432 East 11th Street<br>Tacoma, WA 98421 | 1. | 2432 East 11th Street |

**ENCLOSURE C (Continued).**

| Name | Mailing Address | | Property(ies) of Concern |
|---|---|---|---|
| Pacific Rail Services | Pacific Rail Services<br>1101 Milwaukee Way<br>Tacoma, WA 98421 | 1. | 1101 Milwaukee Way |
| Pacific Storage | Pacific Storage<br>P.O. Box 1757<br>Tacoma, WA 98401 | 1. | 1440 Port of Tacoma Road |
| Rheem Container Corp. | Rheem Container Corp.<br>83 Wooster Heights Road<br>Danbury, CT 06810 | 1. | 1702 Port of Tacoma Road |
| Sea-Land | Sea-Land<br>1002 Milwaukee Way<br>Tacoma, WA 98421 | 1. | 1002 Milwaukee Way |
| Shortt Saw & Knife | Shortt Saw & Knife<br>2331 Ross Way<br>Tacoma, WA 98421 | 1. | 2331 Ross Way |
| Sound Battery | Sound Battery<br>2310 East 11th Street<br>Tacoma, WA 98421 | 1. | 2310 East 11th Street |
| Stevedoring Services of America | Stevedoring Services of America<br>1980 Milwaukee Way<br>Tacoma, WA 98421 | 1. | Terminal 7 |

# ENCLOSURE D

# COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT SECTION 104(E)

## Request for Information

Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, as amended, authorizes EPA to require any person to furnish such information who has or may have information relevant to the following: 1) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a facility; 2) the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility; and 3) information relating to the ability of a person to pay for or perform a cleanup. The term 'facility' as used here is broadly defined in CERCLA to include any area where a hazardous substance has been deposited, stored, disposed, or placed, or otherwise came to be located [CERCLA Section 101(9)].

Pursuant to the above authority and according to the timeframe identified in the cover letter transmitted with this enclosure, EPA hereby requests that you respond to all questions listed in this request for information. Your responses should include all information and copies of all records that you have that relate to each question. If the information you possess is voluminous, you may respond within the 30-day period as to the availability of all related records, and provide a written description of the type of information available. Specifically, describe the types of records maintained with the requests for information including the date of the records, the author of the records, the current location of the records, and their current custodian. EPA also requests that arrangements be made to allow designated EPA employees, EPA authorized representatives including state employees, and their contractors to review all such documents. If you have knowledge of relevant records that are not in your possession, you must provide a description of the records, the current location of the records, and the custodian of the records. Please note that the questions relate to **both current and past** practices and procedures, and your responses must address both.

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. 9604(e), and Section 3007 of RCRA, 42 U.S.C. 6927, you are hereby requested to respond to the Information Request set forth in Enclosure A to this letter. Your responses to this request for information must be submitted (postmarked or hand delivered) to EPA <u>within 30 calendar days</u> of receipt of this letter.

Please be aware that compliance with this information request is mandatory. Your legal obligation to respond truthfully to each question within the prescribed period is independent of

your potential liability under Section 107 of CERCLA. Failure to respond within 30 days of receipt or to adequately justify failure to respond can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA and Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to $25,000 for each day of continued non-compliance. Please be furthered advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. 1001 or Section 3008(d) of RCRA.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations (C.F.R.). See 41 Fed. Reg. 36902-36924 (September 1, 1976), as amended by 43 Fed. Reg. 40000 (September 8, 1978), 44 Fed. Reg. 17673 (March 23, 1979), 48 Fed. Reg. 11270 (March 17, 1983), and 50 Fed. Reg. 61661 (December 18, 1985). For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with CERCLA Section 104(e)(7), 42 U.S.C. Section 9607(e)(7), as amended, and 40 C.F.R. Section 2.201. If EPA determines that the information so designated meets the criteria set forth in CERCLA Section 104(e)(7), and 40 C.F.R. Section 2.200, the information will be disclosed only to the extent, and by means of, the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe failure to furnish a confidentiality claim with your response to this request for information as a waiver of that claim, and information may be made available to the public by EPA without further notice to you.

In order to fully assess responses to the information requests, EPA is planning to disclose the submitted information to its contractor. As described in 40 CFR 2.310 (h), 50 FR 51663, EPA may disclose confidential business information to authorized representatives notwithstanding your assertion that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses relating to the Commencement Bay Nearshore/Tideflats site to its contractor, PTI Environmental Services, Inc. (EPA Contract No. 68-W9-009), which EPA has retained to organize and analyze the information contained in the information responses. You may comment on this intended disclosure with 15 days after receiving this letter; comments must be submitted in writing in the manner described above.

Your written responses to this request for information must be sent to EPA **within thirty 30 calendar days** of receipt of this document. Your responses should be sent to Ms. Peggy Justus, U.S. Environmental Protection Agency, Region 10, Superfund Branch, 1200 Sixth Avenue, HW-113, Seattle, WA 98101. If you have questions regarding technical issues, please contact Ms. Justus at 553-2138. If you have questions regarding legal issues, please contact Mr. Richard McAllister at 553-8203.

1. Attached is a list containing a description of the property(ies) located within the Sitcum Waterway problem area of the CB/NT Superfund site with which EPA believes you and/or your business(es) has an association (i.e., owner, lessee/sub-lessee, lessor/sub-lessor, and/or operator of any nature). Please note that this attachment includes questions that are specific to the property(ies) listed. Please review this attachment and provide the following information:

a. Is the information in the property listing complete and correct? If not, please make all appropriate corrections and/or additions and include an explanation of all changes made.

b. If not listed, provide tax identification parcel number(s) (available from the Pierce County Assessor's office) and/or address(es). If tax identification parcel number(s) are listed incorrectly, please correct.

c. Provide responses to the property-specific question(s) included on this attachment.

2. Identify all properties, including property identified in Question 1, located in the CB/NT site that you **are currently** <u>**or**</u> **were formerly** associated with by providing the following information:

   a. An address and tax identification parcel number for each property.

   b. The size and boundaries of each property.

   c. The dates and nature (e.g., owner, lessee) of your association with each property.

   d. Name(s) and current mailing address(es) for **current and former** owner(s), operator(s), and lessees/sub-lessees for each property.

3. For each property listed in response to Question 2 for which you **were** <u>**or**</u> **are** the owner, please provide the following:

   a. A copy of each transfer of ownership document (e.g., deed, sales agreement)

   b. Date property acquired or dates owned.

   c. Name(s) and current address(es) of person(s) property bought from or sold to.

4. For each property listed in response to Question 2 for which you **were** <u>**or**</u> **are** either the **lessee** <u>**or**</u> **lessor**, please provide the following:

   a. A copy of each lease/sub-lease **(including leases/sub-leases no longer in place)** or a brief description of each lease/sub-lease for which no copy is available.

   b. The dates during which each lease/sub-lease was or is in effect.

5. For each property identified in response to Question 2, provide the following information:

   a. A copy of the most detailed map(s), diagram(s) and photo(s) of the property and/or facility operations in your possession.

   b. A list of all other maps, diagrams and photos of your property and/or facility operations that are in your possession

   c. A list of all other maps, diagrams, and photos of your property and/or facility operations that are known to you, but are not in your possession, including the location of these documents

   d. Identify any portion of your property that includes intertidal or submerged portions of the adjacent marine waterways or nearshore areas to a depth of sixty (60) feet below the Mean Lower Low Water (MLLW) contour. If applicable, include either on your map(s), diagram(s) or photos, or in narrative with these documents, information that indicates the original shoreline boundaries, and any shoreline changes that have occurred, including the dates upon which these changes occurred.

6. For each property identified in response to Question 2, discuss all underground structures located on each property **either currently or in the past**. Underground structures include, but are not limited to, underground pipelines, bulkheads, disposal pits, and storage facilities. Please provide the following information:

   a. State which property the structure(s) **is or was** located on.

   b. Describe the structure(s), including how it **is or was** used.

   c. Identify all hazardous substances, pollutants, or contaminants that **are or were** treated, generated, or stored in the underground structure(s).

   d. The dates during which the structure(s) **has been or was** located on the property.

   e. Maps of the location of each structure.

   f. All available information regarding any spills, leaks, or intentional releases from the structure(s).

7. Regarding the surface water drainage from each property identified in response to Question 2, provide the following information:

   a. Describe **and illustrate** the direction of surface water runoff and where the runoff ultimately goes (e.g., in storm drains, ditches, or discharging directly to a local waterway)

8. For each property identified in response to Question 2, provide a general description(s) of **all current <u>and</u> historical** processes, activities, and operations conducted by you, your company, lessee(s), or third party(ies). Please include the following information:

    a. The party responsible for each process, activity, and operation at the property(ies). For lessees and/or third parties, please provide names and current addresses.

    b. The time periods and locations (on each property) of all processes, activities, and operations.

9. For each process, activity, and operation identified in response to Question 8, please provide the following information:

    a. A description of waste streams and waste materials resulting from each process, activity, and operation. Identify all hazardous substances, pollutants, and contaminants contained in the waste streams and materials. Include the method of disposal for each waste material and state the name(s) and address(es) of all transporters used.

    b. A list of all hazardous substances, pollutants, and contaminants [except those identified in 9(a)] that are or were generated, stored, treated, transported, disposed, or otherwise handled in each process, activity, and operation.

10. For each hazardous substance, pollutant, and contaminant listed in response to Question 9, provide the following information:

    a. The generic name and analytical data describing the chemical character [include material safety data sheets (MSDS)].

    b. Period(s) of time generated, used, or otherwise handled.

    c. The total quantity in weight or volume generated, used, or otherwise handled.

    d. The process, activity, and/or operation associated with each hazardous substance, pollutant, or contaminant and state:

        - how the substance is or was used
        - if the substance does (did) or may (might have) come into contact with the environment (water, soil, air).

    e. The location and system for delivery, loading, and unloading.

f. Describe all storage systems used and identify:

- storage containers in use and/or used
- areas of each property that **are or were** used for storage
- period(s) of time stored.

g. Monitoring systems used for inventory.

h. Procedures for cleaning storage tanks, equipment, and structures where each hazardous substance, pollutant, or contaminant is or was generated, used, or otherwise handled.

11. For each hazardous substance, pollutant, and contaminant identified in Question 9, describe the method of disposal and/or transport, if applicable, including the following information:

    a. Copies of all contracts made to transport each substance away from each property.

    b. The transporter's name and current or last known address.

    c. The location to which each substance **is or was** transported.

    d. If disposal **is or was** conducted on the property or at a different location, please identify all other locations used for disposal.

12. Describe each release to the environment of the hazardous substances, pollutants, and contaminants identified in Question 9. Releases include, but are not limited to: spills, leaks, pipeline breaks, and intentional or unintentional discharges (permitted or not permitted). Include the following information:

    a. The generic name and chemical constituents of the hazardous substance(s), pollutant(s), and contaminant(s)

    b. The quantity of each substance released.

    c. All cleanup measures taken and the results of each measure.

    d. The cause of the release.

    e. Copies of all enforcement orders, (e.g., notices of violations, penalties), inspection reports, and investigative reports generated as a result of each release.

    f. Permit information, including concentration limits.

13. For all identified hazardous substances, pollutants, and contaminants that are contained in oil or petroleum products, provide the following information:

    a. The amount and concentration of each substance that is mixed or contained in the oil or petroleum product.

    b. The date when each substance was mixed into the oil or petroleum products.

    c. The process or method by which the substance was introduced into the oil or petroleum product.

    d. Any other information in your possession regarding the presence of these substances in oil or petroleum products which you generate(d), store(d), transport(ed), or dispose(d).

14. Regarding all past or planned environmental investigations (including investigations of the physical and chemical characteristics of the soil, surface water, sediment, air, and groundwater) conducted by you, by a consulting firm on your behalf, or by any agency on each property identified in response to Question 2, please provide the following information:

    a. Copies of all investigation reports in your possession, or the location of all such reports that are not in your possession.

    b. A list of dates upon which all environmental investigations were done or are planned to be done.

    c. The purpose of each environmental investigation.

    d. The results of each environmental investigation.

    e. Any actions taken in response to the environmental investigation.

    f. Copies of all enforcement orders (e.g., notices of violations, penalties), inspection reports, and sampling data generated as a result of the environmental investigations.

15. Provide your current mailing address, if different than the address used to send this correspondence, and provide the name and telephone number of a person to contact regarding this request for information and general notice letter.

16. Provide the following business information, when applicable, about you and/or your business(es) that are associated with the properties identified in response to Question 2:

a. State the current legal ownership structure (e.g., corporation, sole proprietorship).

b. State the names and current addresses of **current and past** owners or, if a corporation, **current and past** officers and directors.

c. Discuss all changes in the legal ownership structure since the inception of the company. For example, a business that starts as a sole proprietorship, but then incorporates after a few years. Please include the dates and the names of all parties involved.

d. The names and addresses of all **current or past** subsidiaries or companies in which you or your business has or had an interest. Briefly describe the business activities of each such identified subsidiary or company.

e. Copies of income tax returns for the past 5 years or since the inception of the business, if less than 5 years ago.

17. Regarding your liability insurance coverage, provide the following information:

    a. The names of your liability insurance carriers

    b. Whether any of your liability insurance policies provide liability coverage for damages resulting from the release of hazardous substances and/or wastes, pollutants, or contaminants

    c. Copies of your liability insurance policies (if voluminous, you may provide EPA with a list of such insurance policies, including the name of the insurer, the dates, extent, and the amount of liability coverage for damages resulting from the release of the above identified substances. However, EPA reserves the right to review and require copies of such insurance policies at a later date if necessary).

18. Please provide a description of all records available to you that relate to questions 1 – 17, but which have not been included in your responses.

19. Please provide a list of the current or last known addresses and telephone numbers of all persons or companies known to you that may have knowledge relating to the above questions.

# ATTACHMENT TO 104(e) REQUEST FOR INFORMATION

## Loretta Barthel

## Property Information

| Address | Tax ID Parcel Number(s) | Size (acres) | Association (Lessee/Owner) | Dates of Association | Operations |
|---|---|---|---|---|---|
| 2434 East 11th Street | 2275200790<br>6965000170 | 0.39<br>1.86 | Owner | ?-Present | |

Norcore Plastics has stated that they purchased Barthel Chemical Company from you and T.H. VanRick in 1983. Norcore continued to operate Barthel Chemical at 2434 East 11th Street until 1984 when it was moved to its current location at 1144 Thorne Road. Norcore has also stated that Barthel Chemical first began operations in 1946.

**Questions:**

A-1. Please provide the following information about the Barthel Chemical Company:

a. State the time period that you owned the company.

b. State the date of inception of the company.

c. State the names and current or last known addresses of all owners of this company other than yourself and Norcore Plastics.

d. Describe all changes in the legal ownership structure from inception to 1983. (For example, changes from sole proprietorship to incorporation). Please include the dates and the names of all parties involved.

A-2. If not provided above, please provide T.H. VanRick's current or last known address.