

# PROJECT ACTION MEMO

Port of Tacoma Commission



Item No: **5D**  
Meeting Date: **6/17/25**

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**DATE:** June 9, 2025  
**TO:** Port of Tacoma Commission  
**FROM:** Eric Johnson, Executive Director  
**Sponsors:** Jason Jordan, Sr. Director Environmental & Planning Services & Heather Burgess, Dickson Frohlich Phillips Burgess PLLC, Port General Counsel  
**Project Manager:** Scott Hooton, Environmental Project Manager II  
**SUBJECT:** Taylor Way Alexander Ave. Fill Area (TWAAFA) Additional Project Authorization Funding

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**A. ACTION REQUESTED**

Request additional project authorization in the amount of \$815,000, for a total authorized amount of \$1,275,000, for work associated with the Taylor Way Alexander Ave. Fill Area (TWAAFA), Project ID #101082.01, for legal services from NW Resource Law Group PLLC and expert witness litigation support for pending Port of Tacoma cost recovery litigation against Burlington Environmental.

**Strategic Plan Initiative:**

- **EL1** - Remediate contaminated Port properties in a manner that ensures protection of human health and the environment while enabling economic development.
- **OS2** – Protect the public’s investment by maintaining existing assets and positioning them for future growth.

**B. SYNOPSIS**

The Port seeks to recover remedial action costs associated with Port Parcel 111 for contamination caused by the adjacent dangerous waste treatment facility operated by Burlington Environmental.

**C. BACKGROUND**

The Port’s overarching goal has been to effectively manage the legacy contamination associated with three Port Parcels (Parcels 95, 111, 117) while also returning 30.48 acres of underutilized land assets to productive use.

On January 24, 2024, the Commission approved an increased TWAAFA project authorization which included, among other elements, filing a complaint in U.S. District Court for the Western District of Washington against Burlington Environmental, LLC, and outside counsel litigation services with NW Resource Law Group PLLC in conjunction with the same.

The trial is set to begin November 3, 2025, and last for ten days. Additional funds are needed for legal and expert expenses through trial.

**D. FINANCIAL SUMMARY**

**Cost**

The cost of outside contract legal services for NW Resource Law Group PLLC is based on an estimated additional budget of \$815,000. If the cost is anticipated to exceed the authorized amount, additional Commission authorization will be requested.

Item	This Request	Total Previous Requests	Total Request	Total Project Cost	Cost to Date	Remaining Cost
TOTAL	\$ 815,000	\$ 2,697,000	\$ 3,512,000	\$3,512,000	\$1,987,000	\$1,525,000

**Source of Funds**

The 2025-2029 Capital Investment Plan (CIP) currently allocates \$8,500,000 for this project.

**Financial Impact**

Project costs will be expensed as incurred.

In addition to past and future remediation costs, the Port will seek attorneys' fees associated with cost recovery litigation as part of the suit against Burlington Environmental LLC pursuant to RCW 70A.305.080.

**E. NEXT STEPS**

Prepare for trial scheduled for November 3, 2025.