

# McCULLOUGH HILL LEARY, PS

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May 26, 2021

VIA EMAIL

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Re: Formal Request to Negotiate an Agreed Order per WAC 173-340-530  
6901 Fox Avenue South, Seattle, Washington

Dear Bob and Ivy:

On behalf of Bridge Point Seattle 130 LLC (Bridge), the new owner of the real property located at 6901 Fox Avenue South (Property) along the Lower Duwamish Waterway (LDW) in Seattle, we are pleased to submit this written request for Purchasers to negotiate an Agreed Order with the Washington State Department of Ecology (Ecology).

Over the next several months, Bridge intends to work with Crete Consulting (Crete) and Ecology to review available data and create a draft Agreed Order and Exhibit C for the development of a Remedial Investigation (RI) Report, a Feasibility Study (FS) and a Draft Cleanup Action Plan (DCAP) for the Property and the associated Site. We look forward to working collaboratively with Ecology and the AGO on this effort to ensure that all technical documents comply with the requirements of the Model Toxics Control Act, Chapter 70A.305 RCW and Chapter 173-340 WAC (MTCA).

## I. Background

The Property is comprised of one parcel covering 5.4 acres in the Georgetown neighborhood of Seattle. The Property is adjacent to the LDW. The Property includes a 1977 warehouse building that is approximately 2.96 acres/128,800 square feet in size. The Property is currently used to store dry foods and cooking oils. Materials are delivered by rail and truck.

Prior activities on the Property include ship building activities between 1917 and 1966, after which time the Property was leased and used by Emerson GM Diesel, a sheet metal fabrication and generator manufacturing company. The existing warehouse was constructed in 1977, and all other buildings were demolished at that time. The building has been used by various food companies since 1977.

The Property, and the former owners of the Property, are not participants in the ongoing LDW allocation process with the Lower Duwamish Waterway Group (LDWG) and the EPA. The former

owners received a 104(e) request, which is attached to this letter. To our knowledge, none of the former owners of the Property received any type of invitation or demand from EPA or other parties regarding alleged contribution of contamination to the LDW. Owners of other properties in the vicinity of the Property, including the Sea-Tac Marine Property (north), Seattle Boiler Works Property (south), and Fox Avenue Building LLC Property (northeast), are active participants in the LDW allocation process.

## II. Environmental Conditions

Prior to recent investigations performed as part of transactional due diligence, the environmental history of the Property was relatively benign. Occasional petroleum spills and inspection notes for the NPDES permit for the Property are noted in the Phase I Report that is being submitted with this request. More recent investigations, as outlined in the Phase II report that is being submitted with this request, have detailed additional environmental contamination conditions including:

- Chlorinated solvent contaminated groundwater is located on the eastern portion of the Property due to migration from the upgradient Great Western Chemical Company (GWCC) site located at 6900 Fox Avenue South – Ecology Cleanup Site ID #5082.
- Gasoline contamination is present in groundwater in areas coincident with solvent contamination at SB-2. Concentrations of GRO are below cleanup levels but will need to be characterized further.
- Metals contamination, primarily zinc and nickel, from historical shipbuilding operations at the Property are present at levels above MTCA cleanup standards.

Additional characterization of the Property and/or Site is warranted based on currently-available information. There is no current information establishing any significant discharge or release of contamination from the Property into the adjacent LDW.

## III. Submittal of Agreed Order Request Pursuant to WAC 173-340-530

Through this letter, we are providing information to meet the regulatory requirements for the requested Agreed Order as outlined in WAC 173-340-530.

### A. The Proposed Remedial Action

The RI and FS will provide a full MTCA-compliant description of environmental conditions on, beneath and adjacent to the Property (including stormwater conditions), the available remedial alternatives, the preferred and selected remedial alternative (as well as the rationale for the selected alternative), and the specific plans for implementation of the selected alternative. These efforts will be coordinated with the ongoing remedial efforts regarding the upgradient Fox Avenue Building Site and, as appropriate, the adjacent Seattle Boiler Works property.

### B. Facility Location and Boundaries

See Background section, *infra*. Relevant figures and diagrams are included with this letter, and as part of the submitted environmental reports.

C. The Environmental Issues to be Addressed

See Environmental Conditions section, *infra*, as well as the provided Phase II report.

D. Facility Location and Boundaries

See Background section, *infra*, as well as the provided Phase I report.

E. Names of Other Potentially Liable Persons

The owners of the Fox Avenue Building LLC Site are likely PLPs due to the presence of chlorinated solvent contaminated groundwater on and beneath the eastern portion of the Property.

Additional PLPs may be identified during the course of work performed under the Agreed Order.

F. Public Participation Requirements

We plan to work collaboratively with Ecology on the development and implementation of a Public Participation Plan which ensures that the public is provided timely information and has the opportunity to provide input regarding the environmental investigation and cleanup. We will assist Ecology with:

- Preparation of draft public notices or fact sheets at important stages of the RI and FFS/CAP, such as the submission of work plans and engineering design reports.
- Provision of technical support for press releases and meeting planning.
- Participation in public presentations on the progress of the RI, FS and CAP.
- Arrange for local information repositories to make relevant Properly information readily available to help the public, including copies of all public notices, fact sheets and press releases, sampling laboratory results, RI or FS or CAP documents, and all other relevant documents related to the Agreed Order.

VII. Waiver of Procedural Requirements under WAC 173-340-500

As the current owner of the Property, Bridge hereby waives the procedural requirements of WAC 173-340-500 and accepts (for purposes of the Agreed Order) status as a potentially liable person for the Property and the Site.

We appreciate the opportunity to submit this request for to negotiate and enter into an Agreed Order for the Property. We are available at your convenience to discuss this proposal and any questions or comments that you may have.

Sincerely,

McCULLOUGH HILL LEARY, PS

A handwritten signature in black ink, appearing to read "Ken Lederman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Ken Lederman

Cc: Bridge Point Seattle 130 LLC  
Grant Hainsworth, Crete Consulting  
Richard Thomas, [richard.thomas@ecy.wa.gov](mailto:richard.thomas@ecy.wa.gov)