



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Ecology Division  
PO Box 40117 • Olympia, WA 98504-0117 • 360-586-6770

March 7, 2024

Steve Marshall

*via email:* [marshallsj@comcast.net](mailto:marshallsj@comcast.net)

**Re: Financial Assurance Requirement at the Olympia Dry Cleaners Site**

Dear Mr. Marshall,

The Estate of Katherine Burleson (“Estate”) and GJG, LLC have been named a potentially liable persons (PLPs) under the Model Toxics Control Act for the Olympia Dry Cleaners Site. In a consent decree entered in November 2014, the PLPs agreed to conduct remedial actions at the Site. This included an obligation to maintain sufficient and adequate financial assurance mechanisms to cover the costs associated with operation and maintenance of remedial actions at the Site. As detailed in the consent decree, the Estate and GJG, LLC are required to provide proof of financial assurances in a form acceptable to Ecology.

This Site has contamination remaining on the Property in soil and groundwater after completion of the remedial action. Remedial actions for the site require that capping be maintained as part of the soil containment remedy. Additionally, groundwater at the Site remains above cleanup levels and must continue to be monitored. While monitoring indicates that the Site’s groundwater contamination is likely to meet cleanup standards, even after groundwater is in compliance, operation and maintenance costs will remain for the Site related to the remaining soil contamination. Therefore, Ecology will continue to require PLPs provide financial assurance in a mechanism approved by the agency. Ecology requires that you put in place financial assurance for the amount listed below. After the groundwater data from the June 2024 sampling is received, that financial assurance amount may change. Remember the Site is not static—cost estimates can adjust as the Site changes. The estimates can be reduced or increased depending on groundwater monitoring and sampling data. Therefore the amount of financial assurance required will be adjusted as the cost estimate changes.

Ecology understands that you would like to use a creditor’s claim filed on the Estate of Katherine Burleson as the financial assurance mechanism for the Site. Ecology has decided that **a creditor’s claim is not an acceptable mechanism for financial assurance**. Acceptable financial assurance mechanisms are listed in WAC 173-340-440(11)(a). As offered previously, Ecology is willing to meet with you to discuss the acceptable mechanisms for financial assurance

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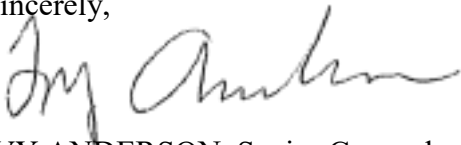
March 7, 2024

Page 2

and help you find one that works for your client. Ecology is also willing to discuss removal of the creditor claim.

As indicated in a May 10, 2022 letter, Ecology has determined the amount necessary for the financial assurance is \$177,853.96.<sup>1</sup> Please contact Joanna Seymour to discuss the financial assurance mechanism which will be used at this Site. Ecology expects to hear from you regarding the financial assurance mechanism within 2 weeks of the date of this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ivy Anderson", is written over the typed name.

IVY ANDERSON, Senior Counsel  
Washington State Attorney's Office, Ecology Division  
(360) 586-4619

IMA:DSE

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<sup>1</sup> Ecology, *Comments on Financial Assurances Cost Estimate*, May 10, 2022.