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**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Southwest Region Office
PO Box 47775 • Olympia, WA 98504-7775 • 360-407-6300

June 3, 2024

Sang An & Jung Soon Kim
1340 N Highlands Pkwy
Tacoma, WA 98406

Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Site

Site name: All City Cleaners
Site address: 602 Tacoma Ave S, Tacoma, WA 98402
Facility/Site ID: 33974883
Cleanup Site ID: 16950
UST ID: 529701
County Assessor's Parcel Number(s): 2006120010

Dear Sang An & Jung Soon Kim:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Sang An & Jung Soon Kim liable under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, for the release of hazardous substances at the All City Cleaners facility. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find the Sang An & Jung Soon Kim liable under RCW 70A.305.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Sang An & Jung Soon Kim is the current owner or operator of a facility, and the owner or operator at the time of the release of disposal of hazardous substances, as defined under MTCA. Specifically, Sang An & Jung Soon Kim currently own Pierce County parcel 2006120010.
2. According to our information, past releases from drycleaning or other operations at the site resulted in the contamination of soil and/or soil vapor, and likely indoor air at levels that exceed the Model Toxics Control Act (MTCA) cleanup standards or other screening levels for tetrachloroethene (PCE) and trichloroethene (TCE). The following report supports the conclusion that hazardous substances have been released at the site:
 - a. Succeed Environmental Consulting, LLC, Phase II Subsurface Investigation, 602 Tacoma Avenue South, Tacoma, Washington, May 10, 2023.
3. The concentrations of PCE and TCE that were measured in sub-slab soil vapor sample SV-1 (estimated 1,300,000 micrograms per cubic meter [$\mu\text{g}/\text{m}^3$] and 1,100 $\mu\text{g}/\text{m}^3$, respectively) pose a threat to human health because they exceed vapor intrusion screening levels. PCE and TCE are toxic organic chemicals that volatilize from contaminated soil or groundwater and potentially enter nearby buildings as a vapor. Indoor air samples have not yet been collected at the Site, but the exceedances of sub-slab screening levels suggests that unacceptable PCE and TCE indoor air concentrations are likely present. The presence of PCE or TCE in indoor air could result in health impacts to building occupants, the most urgent of which are to pregnant women. U.S. EPA has concluded that brief exposures to TCE in air may affect women in the first trimester of pregnancy by increasing the risk of heart malformations to a developing fetus.¹ This means that indoor air concentrations may exist that pose health risks for building occupants exposed over long periods and are also high enough to potentially increase the risk of heart malformations to a developing fetus for pregnant women exposed over short durations.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and

¹ For more information, see Ecology's vapor intrusion overview webpage <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Vapor-intrusion-overview>.

returning the enclosed form or by sending a letter containing similar information to Ecology; or

2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following:

Cam Penner-Ash, LG
SWRO Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775
cpen461@ecy.wa.gov

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to clean up the Site most efficiently.

Responsibility and Scope of Potential Liability

Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70A.305.060 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Initiate discussions which may result in an Agreed Order. An Agreed Order is a legally binding contract for the cleanup of the site. WAC 173-340-530(5) states that Agreed Order discussions shall not exceed 60 days unless an extension is in the public interest.
2. Ecology may withdraw from Agreed Order discussions and pursue other enforcement strategies if it determines that:
 - a. Reasonable progress is not being made.
 - b. The Agreed Order is inappropriate based on new information or changed circumstances.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Contact Information

If you have questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at 360-999-9590 or cam.penner-ash@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Cam Penner-Ash, LG
Cleanup Project Manager
Toxics Cleanup Program
Southwest Region Office

Enclosure (2): A – Focus Sheet: Model Toxics Control Act Cleanup Regulation, Process for
Cleanup of Hazardous Waste Sites (Pub. No. #94-129)

B – Voluntary Waiver of Right to Comment Form

By certified mail: 9489 0090 0027 6383 2228 13

cc by mail: Sang An & Jung Soon Kim, 602 Tacoma Ave S, Tacoma, WA 98402

cc by email: Quyen Keeton, TPCHD; qkeeton@tpchd.org
Jerome Lambiotte, Ecology; jerome.lambiotte@ecy.wa.gov
Steve Teel, LHG, Ecology; steve.teel@ecy.wa.gov
Connie Groven, PE, Ecology; connie.groven@ecy.wa.gov

Ecology Site File

Enclosure A

Focus Sheet: Model Toxics Control Act Cleanup Regulation, Process for Cleanup of Hazardous Waste Sites (Pub. No. #94-129)

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Enclosure B

Voluntary Waiver of Right to Comment Form