

*1400 S. Jackson Building LLC
1400 S. Jackson Street
Seattle, WA 98144*

December 21, 2023

*Via E-Mail Only (donna.musa@ecy.wa.gov
& nwroerts@ecy.wa.gov)*

Donna Musa Kirkman
Washington Department of Ecology
Northwest Regional Office
15700 Dayton Avenue North
Shoreline, WA 98133

Re: 1400 S. Jackson Street, Seattle, WA 98144

Dear Ms. Kirkman:

I am one of the governors of 1400 S. Jackson Building LLC, which owns commercial property located at 1400 S. Jackson Street, Seattle, WA 98144 (“the Parking Lot Property”). This letter is to notify the Washington Department of Ecology (“Ecology”) of a historical release of hazardous substance at the Parking Lot Property pursuant to WAC 173-340-300(2)(a). We do not possess the necessary professional judgment to conclude that the release poses a threat to human health or the environment. However, we are reporting it to Ecology in an abundance of caution and in order to bring the information contained in this letter, and in the enclosures that will be transmitted by separate e-mail, to the agency’s attention.

The ownership history of the Parking Lot Property is contained in the Phase I and Limited Phase II report prepared by Kane Environmental, Inc. on behalf of a prospective buyer. That report was submitted to us in final form on September 26, 2023. It contains a number of factual errors, which are noted in 1400 S. Jackson Building LLC’s comments on the report. Unfortunately, because we were not given an opportunity to comment on a draft version of the report and the sale transaction with the prospective buyer thereafter terminated, the errors were never corrected in the report. Our environmental attorney, Kim Johannessen, will be sending you the following documents via an e-mail from Hightail, which is a secure file-sharing cloud service as they are too large to transmit with this letter or by regular e-mail:

- Kane Environmental, Phase I and Limited Phase II Environmental Site Assessment Report dated September 15, 2023
- Appendix H to that report (omitted from final version transmitted to us on September 26, 2023)
- 1400 S. Jackson Building LLC’s Comments on Phase I/Limited Phase II Report
- Electromagnetic survey results (if/when received)

In summary, unbeknownst to 1400 S. Jackson Building LLC and its past and present governors in September 1972 (the date when the Parking Lot Property was purchased), the parcel had previously been used as a Texaco gas station from 1940 until 1968. At the time the governors bought in 1972, it was being used as a tire store (Gene's Tire Store). According to Puget Sound Archive records obtained by us as part of the now-terminated sale transaction, all features of the prior service station, except tanks and hoists, were gone as of 1969 and there was "no gasoline pumps or service" as noted on June 1969 floor plans. The assessor's records also indicate that the tanks were owned by Texaco and were abandoned at the parcel when the gas station ceased operations. The archive records show the Texaco name and logos on historical photographs of the station. *See Phase I/Limited Phase II Report at pp. 122-132 of .pdf (included in Appendix C).*

Ecology will recall that it entered into a Voluntary Cleanup Program ("VCP") Agreement with Equilon Enterprises dba Shell Oil Company (formerly Texaco) ("Equilon Enterprises") in 2008. That agreement was terminated in 2018 because Equilon Enterprises elected to enter the sites into the Petroleum Technical Assistance Program ("PTAP") offered by the Pollution Liability Insurance Agency ("PLIA"). In Exhibit A to the VCP Agreement, the Parking Lot Property (1400 S. Jackson Street) is not listed, despite having been operated as a Texaco station for approximately 28 years. Equilon Enterprises did list the former Texaco gas station at 1262 S. Jackson (Shell SAP 174361; Ecology Site No. 1549), which is located across the street from the Parking Lot Property, on the Site List attached to its June 14, 2018 termination letter. That gas station was demolished in the late 1940s when Boren Avenue South was constructed.

We are unaware of any environmental investigations performed on the Parking Lot Property prior to Kane's limited Phase II site investigation. The underground storage tanks abandoned by Texaco were removed in November 1990 by a tank contractor engaged by Jack Habu. The tanks were pumped, rinsed and inerted prior to removal. *See Phase I/Limited Phase II Report at pp. 6060-6063 of .pdf (included in Appendix I).* Jack Habu is now deceased and was one of the owners of the Parking Lot Property before it was quit claimed to 1400 S. Jackson Building LLC. The tank removal was unknown to my husband and me at the time we received the Phase I/Limited Phase II Report.

It is our understanding that Mountain View Locating Services LLC performed an electromagnetic survey of the Parking Lot Property as part of the prospective buyer's due diligence. At the time it was performed, I was told that there were no tanks detected on the parcel. I have requested a copy of the results of that survey, and will forward them when received.

As part of the limited Phase II site investigation, Kane Environmental oversaw the drilling of four borings, using direct push drilling, on the Parking Lot Property (KB-1 through KB-4). *See Phase I/Limited Phase II Report at p. 53 (Site Figure showing location of borings).* The results of the analyses of the soil and groundwater samples collected from those borings can be found in Tables 5 through 8 on pages 55-58 of the .pdf. The only MTCA exceedances were

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in Boring KB-1, which is located in the southwesternmost corner of the Parking Lot Property. In Boring KB-1, heavy oil organics were detected in groundwater at a concentration of 1,010 µg/L, and gasoline was detected in soil at 6.5 feet below ground surface at a concentration of 257 mg/kg. The groundwater samples were collected from temporary wells and may have been impacted by sediment. Benzene and toluene were not detected above reporting limits in any of the soil or groundwater samples collected at the Parking Lot Property. Ethylene dichloride, ethylbenzene and m,p-xylene were detected above reporting limits, but at concentrations below cleanup levels. It is our understanding that EDC was used routinely in gasoline during the operational period of the Texaco station. The laboratory analytical reports and the boring logs can be found in Appendix K and L, respectively, of the Report.

We provide this detail so that you have sufficient information, should the agency decide to issue early notice letters. We ask that you issue one to Equilon Enterprises if the agency believes that further investigation is required.

If you have any questions regarding this information, please feel free to contact me at (206) 794-6966 or via e-mail at 1400sjackson@gmail.com.

Sincerely,

JOAN HORIKE-HABU, GOVERNOR / 
Joan Horike-Habu, Governor
GOVERNOR

Enclosures listed above to be sent by separate e-mail