



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

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August 27, 2024

Steve Marshall

via email: marshallsj@comcast.net

Re: Financial Assurance Requirement at the Olympia Dry Cleaners Site

Dear Mr. Marshall,

As previously discussed in my March 7, 2024 letter, the Estate of Katherine Burleson (Estate) and GJG, LLC have been named as potentially liable persons (PLPs) under the Model Toxics Control Act for the Olympia Dry Cleaners Site (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. To date, financial assurance has not been provided to Ecology and the PLPs have failed to meet the terms of the consent decree.

Financial assurance is required at this Site to cover the operation and maintenance of the soil containment remedy, and to address the groundwater sampling and monitoring. 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. Seep concentrations also require continued monitoring until it has been demonstrated to Ecology's satisfaction that concentrations are no longer above cleanup levels. Groundwater and seep samples are currently required to be collected on a 15-month frequency. The most recent groundwater sampling event occurred on May 30, 2024. The seep was dry at that time, so no seep sample was collected. The next groundwater and seep sampling event is due to occur in August 2025.

As Ecology has discussed with you, use of the creditor's claim filed on the Estate of Katherine Burleson as the financial assurance mechanism for the Site **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 and help you find one that works for your client. Ecology will be removing the creditor claim and as discussed below will be starting a separate action to address your lack of compliance with the terms of the consent decree.

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As indicated in a May 10, 2022 letter and the March 7, 2024 letter, Ecology has determined the amount necessary for the financial assurance is \$177,853.96.¹ 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.

If Ecology is not contacted within 2 weeks (by September 10, 2024) from the date of this letter, we will begin the process to address your client's lack of compliance with the terms of the consent decree. Ecology may institute legal or administrative actions due to failure to meet the requirements of the decree.

Sincerely,



DAN LAWLER, Assistant Attorney General
Washington Attorney General's Office, Ecology Division
(360) 280-0075

DRL:AH

¹ Ecology, *Comments on Financial Assurances Cost Estimate*, May 10, 2022; Letter from Ivy Anderson, Senior Counsel, AGO to Steve Marshall, March 7, 2024.