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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 16, 2024

Jason Hamilton
Seattle City Light
PO Box 34023
Seattle, Washington 98124-4023
(Jason.Hamilton@Seattle.gov)

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

- **Site Name:** American Linen Supply Co Dexter Ave
- **Site Address:** 700 Dexter Ave N, Seattle, WA 98109
- **Cleanup Site ID:** 12004
- **Facility/Site ID:** 3573

Dear Jason Hamilton:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Seattle City Light liable under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, for the release of hazardous substances at the American Linen Supply Co Dexter Ave facility (Site). 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

Ecology is proposing to find Seattle City Light 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. Seattle City Light is an owner or operator of property (Seattle City Light property) adjacent to the Site. The Seattle City Light property is shown as Parcel No. 408880-3530 on King County's parcel viewer website[1]. The property on which the American Linen facility historically operated (American Linen property) is shown as King County Parcel No. 224900-0285.

2. A fueling facility historically operated on the Seattle City Light property from approximately 1955 to October 1992 to support vehicle maintenance and refueling operations.

3. Operations at the former fueling facility on the Seattle City Light property resulted in the release of petroleum hydrocarbons to the environment, as documented in the *Revised Site Characterization Report, Roy Street Facility*, dated February 1995, and subsequent reports. These documents are accessible on Ecology's Seattle Roy Aloha Shops website.[2]

4. American Linen Supply Company operated an industrial laundry facility on the American Linen property between 1925 and 1995. Dry cleaning operations were conducted at the Site between 1966 and 1990. A refueling facility with multiple underground storage tanks was located on the property beginning around 1930. An auto repair facility operated on the American Linen property between approximately 1947 and 1966.

5. The historical facilities on the American Linen property released chlorinated solvents and petroleum hydrocarbons to the environment as documented in the *Agency Review Draft Remedial Investigation Report, American Linen Supply Co Dexter Ave Site* (draft RI Report), dated October 14, 2022, and in preceding reports. Related documents are accessible on Ecology's American Linen Supply Co Dexter Ave website.[3] Note that the draft RI Report is not available from this website, but a copy may be obtained by submitting a public records request to Ecology.[4]

6. Based on the data collected and evaluated in the draft RI Report, chlorinated solvents in groundwater that originated from the American Linen releases have migrated eastward beyond the American Linen property and have come to be co-located (commingled) with benzene that originated from releases on the Seattle City Light property. As illustrated in the attached draft RI Report Figures 41 through 44 (with markups by Ecology), the distribution of benzene in groundwater is consistent with a source at the Seattle Roy Aloha Shops, the easterly groundwater flow direction, and the generally downward hydraulic gradient.

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[1] https://gismaps.kingcounty.gov/parcelviewer2/
[2] https://apps.ecology.wa.gov/cleanupsearch/site/11216#site-documents
[3] https://apps.ecology.wa.gov/cleanupsearch/site/12004#site-documents
[4] For information on how to submit a public records request, please visit https://ecology.wa.gov/footer-pages/public-records-requests.

7. In the area of commingling, chlorinated solvents and benzene are present at concentrations that exceed applicable MTCA cleanup levels and contribute to additive risk for human health and the environment.

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 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 address:

Tena Seeds
NWRO Toxics Cleanup Program
PO Box 330316
Shoreline, Washington 98133

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

Ecology has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. John Moshy
   BMR Dexter LLC
   17190 Bernardo Center Drive
   San Diego, California 92128
2. David E. Maryatt
   American Linen Supply Co.
   1326 5th Avenue, Suite 711
   Seattle, Washington 98101

3. Dan Jacobs
   700 Dexter, LLC
   1821 Blake Street, Suite C
   Denver, Colorado 80202

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 that incorporate the following:

    a. Whether the remedial actions necessary for the Site will be performed cooperatively by Seattle City Light and BMR Dexter LLC under an amendment of the existing Agreed Order (DE 14302).
    b. Whether remedial actions necessary for the Site will be performed by Seattle City Light under a separate legal agreement with Ecology.

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 any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at (425) 457-3143 or Tena.Seeds@ecy.wa.gov. Thank you for your cooperation.

Sincerely,

Tena Seeds

Tena Seeds, P.E.
Cleanup Project Manager
Toxics Cleanup Program, NWRO

Enclosures (3) :

1. Draft American Linen RI Report Figures 41 through 44, with Ecology Markups
2. Focus: Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites (#94-129)
3. PLP Waiver Form Template

cc: John Moshy – BMR Dexter LLC, (john.moshy@biomedrealty.com)
Victoria Banks – Attorney General's Office, (Victoria.Banks@atg.wa.gov)
Kim Wooten – Ecology, (Kim.Wooten@ecy.wa.gov)
Dhroov Shivjiani – Ecology, (Dhroov.Shivjiani@ecy.wa.gov)
Tanner Bushnell – Ecology, (Tanner.Bushnell@ecy.wa.gov)

Sent by Certified Mail: 9171 9690 0935 0233 1412 01

THIS DRAFT FIGURE CONTAINS ECOLOGY MARKUPS FOR DISCUSSION PURPOSES
(ORIGINAL SIZE IS 34 X 22 INCHES)

Aurora Avenue North
Aloha Street
Dexter Avenue North
8th Avenue North
9th Avenue North
Westlake Avenue N
Valley Street
Broad Street
Mercer Street
Terry Avenue North
LAKE UNION
625 Boren Avenue N (Block 31)

SEATTLE CITY LIGHT PROPERTY
BLOCK 79 EAST PROPERTY
AMERICAN LINEN PROPERTY

*MW-8 (28.7 to 14.2)
All non-detect.
1993-2002 Benzene ND - 19
2017-2020 Benzene ND - 0.156

MW-10 (10/1993 - 6/2002) Benzene: ND - 3.2

*SCL-MW105 (11.1 to 1.1)
All non-detect.
*2017-2020:
Benzene 86.6 - 257

SCL-MW101 (25.5 to 15.5)
All non-detect.
Benzene 6.04

MW-7 (10/1993 - 6/2002) Benzene: 650 - 20,000
MW-4 (3/1993 - 6/1993) Benzene: ND - 82
MW-3 (3/1993 - 6/1993) Benzene: 1500 - 4800
MW-6 (10/1993 - 6/2002) Benzene: 1900 - 17,000
MW-1 (3/1993 - 6/1993) Benzene: 10,000 - 20,000

*SCS-2 (28.2 to 18.2)
All non-detect.
*2017-2020:
Benzene 16.9 - 58.9

MW125 (28.6 to 13.6)
All non-detect.
Benzene ND

MW-301 (35.6 to 25.6)
1.85 | 0.110
0.0276 U | 0.0273 U
Benzene ND

MW-9 (34.1 to 19.1)
0.0280 U | 0.0160 U
0.117 | 0.223 J
Benzene 0.029
1993-2002 Benzene ND - 9.5
2017-2021 Benzene ND - 0.029

MW-310 (19.2 to 9.2)
0.0280 U | 0.0160 U
0.203 | 0.0273 U
Benzene 0.042

MW-337 (18.1 to 8.1)
0.0280 U | 0.0160 U
0.0490 J | 0.0670 J
Benzene ND

MW-339 (18.2 to 8.2)
0.0280 U | 0.0160 U
0.120 | 0.0273 U
Benzene ND

*SMW-3 (17.1 to 7.1)
All non-detect.

*FMW-143 (10.0 to 5.0)
All non-detect.
Benzene ND

MW-312 (19.9 to 9.9)
All non-detect.
Benzene 0.026

MW-320 (18.6 to 8.6)
All non-detect.
Benzene ND

MW-121 (26.7 to 16.7)
0.0280 U | 0.0160 U
0.418 | 1.79
Benzene 0.026

MW-159 (22.9 to 12.9)
0.0280 U | 0.0360 J
0.518 | 0.350 J-
Benzene 0.020

MW-313 (20.4 to 10.4)
0.0280 U | 0.0160 U
2.31 | 0.524
Benzene 0.026

MW-332 (16.0 to 6.0)
All non-detect.
Benzene ND

*MW-214 (20.8 to 10.8)
All non-detect.

R-MW5 (42.4 to 27.4)
0.671 | 0.232
0.186 | 0.0273 U

1992: Benzene 310 - 684 , VC ND
2017/2018: Benz.0.272 - 0.694, VC 0.522 - 1.33
1992: Benzene ND , VC ND
2017/2018: Benzene ND, VC ND - 0.424
1992: Benzene 0.58 - 1 , VC 100 - 170
2009-2012: Benzene ND, VC 0.63 - 2.2

R-MW6 (33.3 to 23.3)
0.0670 J | 0.349
12.2 | 2.86
Benzene 0.077
1993-2002 Benzene ND
2017-2021 Benzene ND - 0.167

MW-154 (27.8 to 17.9)
3.41 | 0.453
0.134 | 0.0273 UJ
Benzene ND

MW-305 (37.4 to 27.4)
All non-detect.

*DMW-6 (32.1 to 22.1)
All non-detect.

*DMW-2S (30.7 to 20.7)
All non-detect.

*DMW-1S (38.8 to 28.8)
All non-detect.

*DMW-4S (38.5 to 28.5)
All non-detect.

*DMW-51A (29.4 to 19.4)
All non-detect.

*HMW-19S (23.2 to 13.2)
All non-detect.
Benzene ND

*HMW-9S (30.4 to 20.4)
All non-detect.
Benzene ND

*HMW-17S (22.2 to 12.2)
All non-detect.
Benzene ND

*HMW-18S (22.6 to 12.6)
All non-detect.
Benzene ND

*HMW-20S (28.8 to 18.8)
4.7 | 0.38
1.4 | 0.99
Benzene ND

*MW-155 (24.4 to 14.4)
119 | 26.0
11.7 | 0.190 J+
*2018-2020:
Benzene ND - 0.031

*HMW-2S (27.6 to 17.6)
All non-detect.
Benzene ND

*HMW-10S (23.5 to 13.5)
All non-detect.
Benzene ND

*HMW-1S (16.0 to 6.0)
All non-detect.
Benzene ND

*HMW-11S (16.5 to 6.5)
All non-detect.
Benzene ND

Before Start of Block 38 West Dewatering
After Start of Block 38 West Dewatering

N 231800
E 1268300

0 60
SCALE IN FEET

Explanation

- Approximate Property Boundary
- SW-A — Lake Monitoring Location
- Type 1 Perimeter Injection Well
- Type 2 Perimeter Injection Well
- MW101 — Shallow Zone Monitoring Well
- MW-165 — Treatment Zone A Monitoring Well
- MW-166 — Treatment Zone B Monitoring Well
- MW-167 — Treatment Zone C Monitoring Well
- MW-168 — Treatment Zone D Monitoring Well
- SV03 — Soil Vapor Monitoring Point

- PCE, TCE, cDCE, and VC were not detected in samples during the Remedial Investigation
- PCE, TCE, cDCE, and VC were not detected above their PCULs in samples during the Remedial Investigation
- PCE, TCE, cDCE, and/or VC were detected once or more above the their PCULs in samples during the Remedial Investigation
- Approximate extent of PCE, TCE, cDCE, and VC above the PCULs
- Approximate groundwater flow direction in unpumped conditions

Preliminary Cleanup Levels (PCULs):
PCE = 5.0 µg/L
TCE = 4.0 µg/L
cDCE = 16 µg/L
VC = 0.29 µg/L

Well (Screen Elevation)	
PCE	TCE
cDCE	VC

Coordinate Reference Point
(NAD83, Washington State Plane North, US Feet)

Notes:
All results shown from Quarter 2, 2021 when available. Locations indicated with * are the most recent available results prior to Quarter 2, 2021.
U = Not detected at or above the laboratory method detection limit (MDL)
J = The identification of the analyte is acceptable; the reported value is an estimate
J+ = The result is an estimated quantity, but the result may be biased high
J- = The result is an estimated quantity, but the result may be biased low
Detected results shown in bold, detections above the PCUL highlighted in gray
PCE = Perchloroethylene (tetrachloroethene)
TCE = Trichloroethene
cDCE = cis-1,2-Dichloroethene
VC = Vinyl Chloride
Results shown in micrograms per liter (µg/L)

ECOLOGY NOTES:

Benzene data added to this figure by Ecology.

"ND" = Not detected above laboratory reporting limit

Estimated area of benzene exceedances in groundwater

Benzene exceedance (>5 ug/L) in groundwater

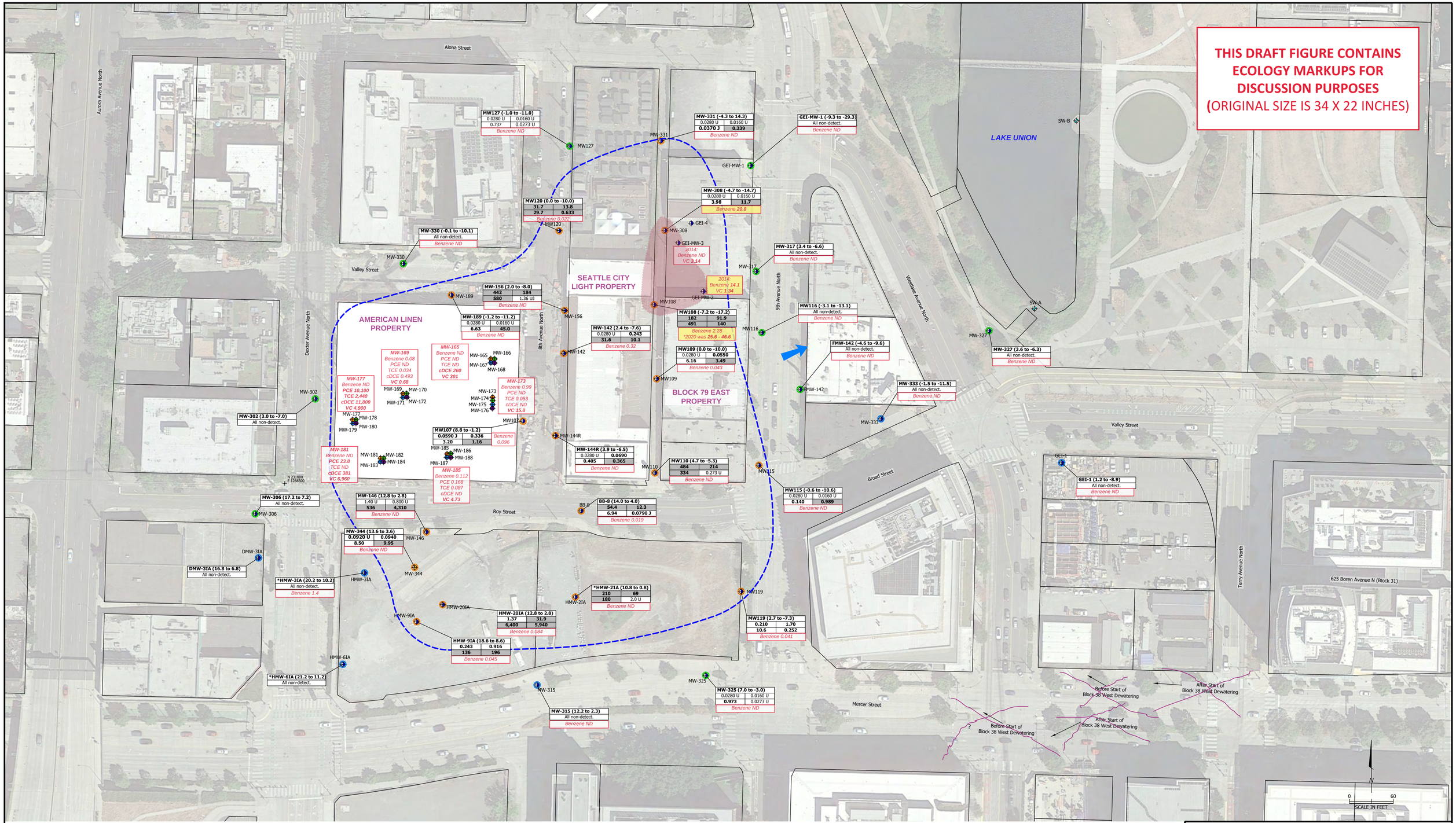
PES Environmental, Inc.
Engineering & Environmental Services
AN NV5 COMPANY

2021 CVOCs in Groundwater - Shallow Zone
American Linen Supply Co Dexter Ave Site
700 Dexter Avenue North
Seattle, Washington

FIGURE 41

1413.001.02.502.01	1413001025020l_RI21_41-44	DRAFT	4/22
DWG NUMBER	DRAWING NUMBER	REVIEWED BY	DATE

THIS DRAFT FIGURE CONTAINS ECOLOGY MARKUPS FOR DISCUSSION PURPOSES
(ORIGINAL SIZE IS 34 X 22 INCHES)



Explanation

- Approximate Property Boundary
- SW-A — Lake Monitoring Location
- Type 1 Perimeter Injection Well
- Type 2 Perimeter Injection Well
- GEI-4 — Intermediate A Zone Monitoring Well
- MW-344 — 2021 Intermediate A Monitoring Well
- MW-165 — Treatment Zone A Monitoring Well
- MW-166 — Treatment Zone B Monitoring Well
- MW-167 — Treatment Zone C Monitoring Well
- MW-168 — Treatment Zone D Monitoring Well

- PCE, TCE, cDCE, and VC were not detected in samples during the Remedial Investigation
- PCE, TCE, cDCE, and VC were not detected above their PCULs in samples during the Remedial Investigation
- PCE, TCE, cDCE, and/or VC were detected once or more above the their PCULs in samples during the Remedial Investigation
- Approximate extent of PCE, TCE, cDCE, and VC above the PCULs
- Approximate groundwater flow direction in unpumped conditions

Preliminary Cleanup Levels (PCULs):
PCE = 5.0 µg/L
TCE = 4.0 µg/L
cDCE = 16 µg/L
VC = 0.29 µg/L

Well (Screen Elevation)	
PCE	TCE
cDCE	VC

Coordinate Reference Point
(NAD83, Washington State Plane North, US Feet)

Notes:
All results shown from Quarter 2, 2021 when available. Locations indicated with * are the most recent available results prior to Quarter 2, 2021.
U = Not detected at or above the laboratory method detection limit (MDL)
J = The identification of the analyte is acceptable; the reported value is an estimate
J+ = The result is an estimated quantity, but the result may be biased high
J- = The result is an estimated quantity, but the result may be biased low
Detected results shown in bold, detections above the PCUL highlighted in gray
PCE = Perchloroethylene (tetrachloroethene)
TCE = Trichloroethene
cDCE = cis-1,2-Dichloroethene
VC = Vinyl Chloride
Results shown in micrograms per liter (µg/L)

ECOLOGY NOTES:

Benzene data added to this figure by Ecology.

"ND" = Not detected above laboratory reporting limit

Estimated area of benzene exceedances in groundwater

Benzene exceedance (>5 ug/L) in groundwater

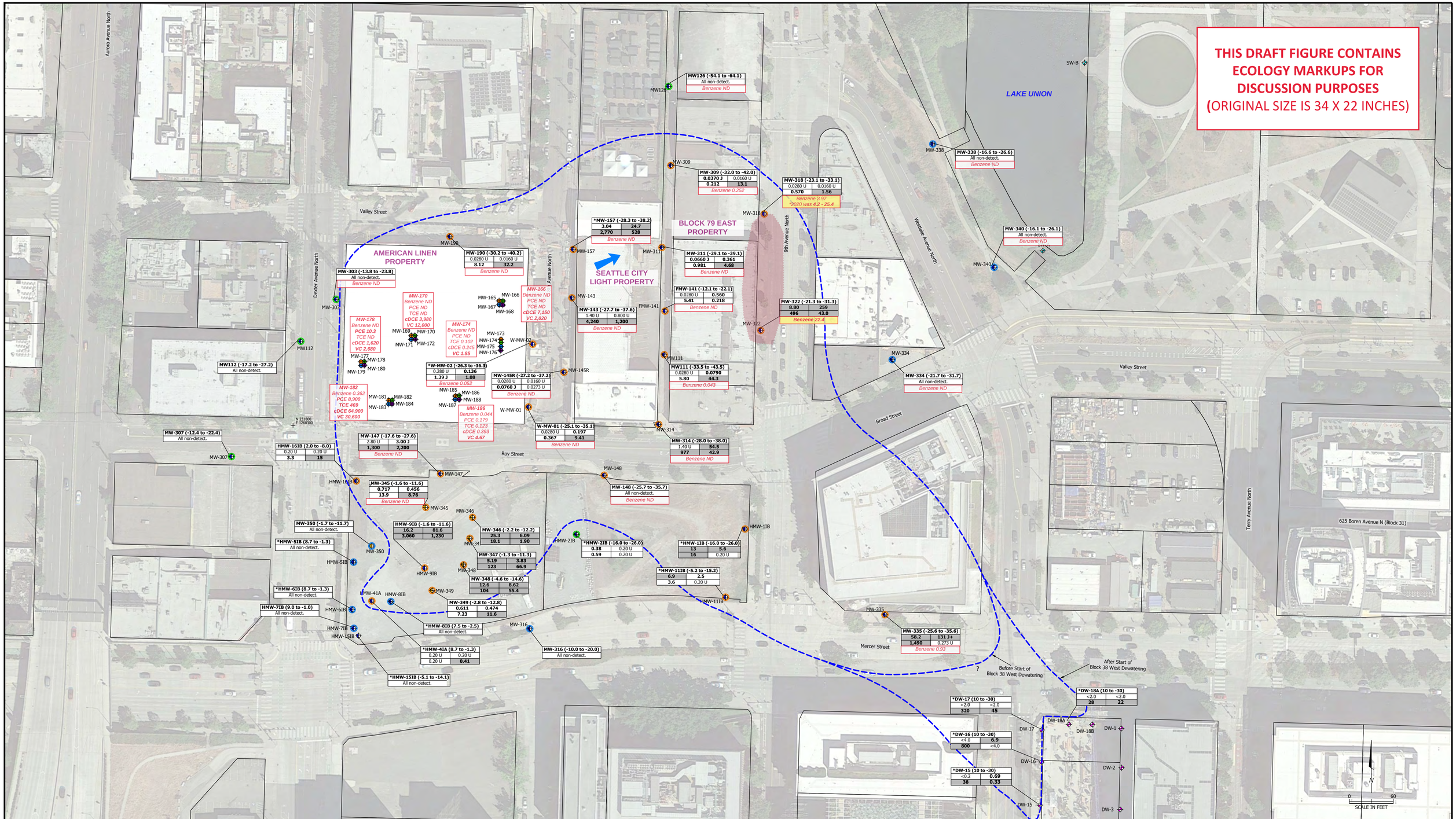
PES Environmental, Inc.
Engineering & Environmental Services
AN NV5 COMPANY

FIGURE 42

2021 CVOCs in Groundwater - Intermediate A Zone
American Linen Supply Co Dexter Ave Site
700 Dexter Avenue North
Seattle, Washington

1413.001.02.502.01	1413001025O201_RI21_41-44	DRAFT	4/22
DWG NUMBER	DRAWING NUMBER	REVIEWED BY	DATE

THIS DRAFT FIGURE CONTAINS ECOLOGY MARKUPS FOR DISCUSSION PURPOSES
(ORIGINAL SIZE IS 34 X 22 INCHES)



Explanation

- Approximate Property Boundary
- SW-A — Lake Monitoring Location
- W-MW-02 — Intermediate B Zone Monitoring Well
- MW-345 — 2021 Intermediate B Monitoring Well
- MW-165 — Treatment Zone A Monitoring Well
- MW-166 — Treatment Zone B Monitoring Well
- MW-167 — Treatment Zone C Monitoring Well
- MW-168 — Treatment Zone D Monitoring Well
- DW-1 — Intermediate/Deep Dewatering Well (Farallon, 2/11/21)

- PCE, TCE, cDCE, and VC were not detected in samples during the Remedial Investigation
- PCE, TCE, cDCE, and VC were not detected above their PCULs in samples during the Remedial Investigation
- PCE, TCE, cDCE, and/or VC were detected once or more above the their PCULs in samples during the Remedial Investigation
- Approximate extent of PCE, TCE, cDCE, and VC above the PCULs
- Approximate groundwater flow direction in unpumped conditions

N 231800
E 1268300
Coordinate Reference Point
(NAD83, Washington State Plane North, US Feet)

Preliminary Cleanup Levels (PCULs):
PCE = 5.0 µg/L
TCE = 4.0 µg/L
cDCE = 16 µg/L
VC = 0.29 µg/L

Well (Screen Elevation)	
PCE	TCE
cDCE	VC

Notes:
All results shown from Quarter 2, 2021 when available. Locations indicated with * are the most recent available results prior to Quarter 2, 2021.
U = Not detected at or above the laboratory method detection limit (MDL)
J = The identification of the analyte is acceptable; the reported value is an estimate
J+ = The result is an estimated quantity, but the result may be biased high
J- = The result is an estimated quantity, but the result may be biased low
Detected results shown in bold, detections above the PCUL highlighted in gray
< = Not detected at or above the laboratory method detection limit
PCE = Perchloroethylene (tetrachloroethene)
TCE = Trichloroethene
cDCE = cis-1,2-Dichloroethene
VC = Vinyl Chloride
Results shown in micrograms per liter (µg/L)

ECOLOGY NOTES:

Benzene data added to this figure by Ecology.

"ND" = Not detected above laboratory reporting limit

Estimated area of benzene exceedances in groundwater

Benzene exceedance (>5 ug/L) in groundwater

PES Environmental, Inc.
Engineering & Environmental Services
AN NV5 COMPANY

FIGURE 43

2021 CVOCs in Groundwater - Intermediate B Zone
American Linen Supply Co Dexter Ave Site
700 Dexter Avenue North
Seattle, Washington

1413.001.02.502.01	14130010250201_RI21_41-44	DRAFT	4/22
DWG NUMBER	DRAWING NUMBER	REVIEWED BY	DATE

THIS DRAFT FIGURE CONTAINS ECOLOGY MARKUPS FOR DISCUSSION PURPOSES
(ORIGINAL SIZE IS 34 X 22 INCHES)

AMERICAN LINEN PROPERTY

SEATTLE CITY LIGHT PROPERTY

BLOCK 79 EAST PROPERTY

LAKE UNION

Aurora Avenue North | Valley Street | Dexter Avenue North | 8th Avenue North | 9th Avenue North | Westlake Avenue North | Broad Street | Mercer Street | Terry Avenue North | 625 Boren Avenue N (Block 31)

MW124 (-53.8 to -63.8)
0.0480 J | 0.0160 U
0.0276 U | 0.0273 U

MW102 (-65.8 to -75.8)
All non-detect.
Benzene ND

MW-304 (-47.6 to -57.6)
All non-detect.

MW-160 (-75.4 to -85.4)
0.0280 U | 0.353
11.1 | 4.05
Benzene ND

***MW104 (-76.3 to -86.3)**
1.52 | 29.8
43.9 | 9.58
Benzene 0.045

MW-161 (-85.6 to -95.6)
1.08 | 28.3
69.8 | 5.35
Benzene ND

MW-138 (-47.6 to -57.6)
0.0280 U | 0.0160 U
0.0730 J | 0.0760 J

MW-153 (-65.3 to -75.3)
0.0280 U | 0.0160 U
0.101 | 1.15 J-

MW105 (-85.3 to -95.3)
0.128 | 1.37
11.5 | 0.359
Benzene 0.161

***HMW-3D (-26.3 to -36.3)**
All non-detect.

MW106 (-78.0 to -88.0)
All non-detect.
Benzene ND

***HMW-2D (-32.8 to -42.8)**
0.20 U | 0.20 U
1.1 | 0.20 U

***HMW-6D (-21.1 to -31.1)**
All non-detect.

***HMW-9D (-24.4 to -34.4)**
0.89 | 0.20 U
5.1 | 0.97

***HMW-13D (-44.2 to -54.2)**
All non-detect.

***HMW-10D (-30.8 to -40.8)**
All non-detect.

***HMW-14D (-23.7 to -33.7)**
All non-detect.

***HMW-12D (-48.5 to -58.5)**
0.20 U | 0.20 U
200 J | 3.9
Benzene ND

***HMW-1D (-42.0 to -52.0)**
21 | 110
910 | 6.0 U
Benzene ND

FMW-129 (-45.6 to -50.6)
91.1 | 197
517 | 0.0273 U
Benzene 0.127

MW-326 (-48.7 to -58.7)
0.219 | 0.496
3.53 | 0.109

MW122 (-75.0 to -85.0)
0.0360 J | 0.0160 U
0.0276 U | 0.0273 U
Benzene ND

MW-158A (-48.2 to -58.5)
0.0280 U | 0.0920
0.0900 J | 0.326 J-
Benzene ND

MW-319 (-42.8 to -52.8)
0.0900 J | 8.52
37.4 | 4.16
Benzene ND

MW123 (-42.5 to -52.5)
All non-detect.
Benzene ND

MW103 (-67.6 to -77.6)
0.569 | 8.73
34.0 | 15.8
Benzene ND

MW113 (-36.8 to -46.8)
249 | 944
1,380 | 6.91
Benzene 0.331

MW-323 (-65.4 to -75.4)
0.0280 U | 0.0900
115 | 31.4
Benzene ND

MW-324 (-32.1 to -42.1)
1.40 U | 1.95 J
3,470 | 45.6
Benzene ND

MW-336 (-51.6 to -61.6)
0.120 | 3.12 J+
150 | 10.7
Benzene 0.128

FMW-140 (-38.0 to -48.0)
0.0280 U | 0.0160 U
2.12 | 15.8
Benzene 41

MW-328 (-36.1 to -46.1)
0.0280 U | 0.0160 U
0.0276 U | 8.57
Benzene 6.19

MW-341 (-66.8 to -76.8)
0.0280 U | 0.0160 U
2.43 | 26.7
Benzene 17.6

MW-329 (-69.0 to -79.0)
0.0280 U | 0.0160 U
15.2 | 23.0
Benzene 0.601

MW-342 (-32.4 to -42.4)
0.0280 U | 0.0160 U
6.45 | 2.54
Benzene 0.526

MW-343 (-71.5 to -81.5)
0.0280 U | 0.0160 U
3.17 | 3.81
Benzene 0.139

MW128 (-30.8 to -40.8)
0.0280 U | 0.0160 U
0.0276 U | 37.3
Benzene 14.2

GEI-2 (-21.1 to -31.1)
0.0280 U | 0.0160 U
0.379 | 9.14
Benzene 2.19

FMW-131 (-34.7 to -44.7)
0.0280 U | 0.0160 U
9.83 | 0.428
Benzene 0.065

***DW-17 (10 to -30)**
<2.0 | <2.0
320 | 45

***DW-16 (10 to -30)**
<4.0 | 6.9
800 | <4.0

***DW-15 (10 to -30)**
<0.2 | 0.69
38 | 0.33

***DW-18A (10 to -30)**
<2.0 | <2.0
28 | 22

FMW-137 (-39.9 to -54.9)
0.0280 U | 0.0160 U
2.99 | 0.0273 U

Before Start of Block 38 West Dewatering

After Start of Block 38 West Dewatering

N 231800 E 1268300

0 60 SCALE IN FEET

Explanation

- Approximate Property Boundary
- SW-A Lake Monitoring Location
- MW10S Deep Zone Monitoring Well
- MW-165 Treatment Zone A Monitoring Well
- MW-166 Treatment Zone B Monitoring Well
- MW-167 Treatment Zone C Monitoring Well
- MW-168 Treatment Zone D Monitoring Well
- SV03 Soil Vapor Monitoring Point
- DW-1 Intermediate/Deep Dewatering Well (Farallon, 2/11/21)

- PCE, TCE, cDCE, and VC were not detected in samples during the Remedial Investigation
- PCE, TCE, cDCE, and VC were not detected above their PCULs in samples during the Remedial Investigation
- PCE, TCE, cDCE, and/or VC were detected once or more above the their PCULs in samples during the Remedial Investigation
- Approximate extent of PCE, TCE, cDCE, and VC above the PCULs
- Approximate groundwater flow direction in unpumped conditions

N 231800 E 1268300 Coordinate Reference Point (NAD83, Washington State Plane North, US Feet)

Preliminary Cleanup Levels (PCULs):
PCE = 5.0 µg/L
TCE = 4.0 µg/L
cDCE = 16 µg/L
VC = 0.29 µg/L

Well (Screen Elevation)	
PCE	TCE
cDCE	VC

Notes:
All results shown from Quarter 2, 2021 when available. Locations indicated with * are the most recent available results prior to Quarter 2, 2021.
U = Not detected at or above the laboratory method detection limit (MDL)
J = The identification of the analyte is acceptable; the reported value is an estimate
J+ = The result is an estimated quantity, but the result may be biased high
J- = The result is an estimated quantity, but the result may be biased low
< = Not detected at or above the laboratory method detection limit
Detected results shown in bold, detections above the PCUL highlighted in gray
PCE = Perchloroethylene (tetrachloroethene)
TCE = Trichloroethene
cDCE = cis-1,2-Dichloroethene
VC = Vinyl Chloride
Results shown in micrograms per liter (µg/L)

ECOLOGY NOTES:

Benzene data added to this figure by Ecology.

"ND" = Not detected above laboratory reporting limit

Estimated area of benzene exceedances in groundwater

Benzene exceedance (>5 ug/L) in groundwater

PES Environmental, Inc.
Engineering & Environmental Services
AN NV5 COMPANY

2021 CVOCs in Groundwater - Deep Zone
American Linen Supply Co Dexter Ave Site
700 Dexter Avenue North
Seattle, Washington

FIGURE 44

1413.001.02.502.01	14130010250201_RI21_41-44	DRAFT	4/22
DWG NUMBER	DRAWING NUMBER	REVIEWED BY	DATE

WASHINGTON STATE DEPARTMENT OF ECOLOGY

Focus

Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites

In March of 1989, an innovative, citizen-mandated toxic waste cleanup law went into effect in Washington, changing the way hazardous waste sites in this state are cleaned up. Passed by voters as Initiative 97, this law is known as the Model Toxics Control Act, chapter 70.105D RCW. This fact sheet provides a brief overview of the process for the cleanup of contaminated sites under the rules Ecology adopted to implement that Act (chapter 173-340 WAC).

How the Law Works

The cleanup of hazardous waste sites is complex and expensive. In an effort to avoid the confusion and delays associated with the federal Superfund program, the Model Toxics Control Act is designed to be as streamlined as possible. It sets strict cleanup standards to ensure that the quality of cleanup and protection of human health and the environment are not compromised. At the same time, the rules that guide cleanup under the Act have built-in flexibility to allow cleanups to be addressed on a site-specific basis.

The Model Toxics Control Act funds hazardous waste cleanup through a tax on the wholesale value of hazardous substances. The tax is imposed on the first in-state possessor of hazardous substances at the rate of 0.7 percent, or $7 per $1,000. Since its passage in 1988, the Act has guided the cleanup of thousands of hazardous waste sites that dot the Washington landscape. The Washington State Department of Ecology's Toxic Cleanup Program ensures that these sites are investigated and cleaned up.

What Constitutes a Hazardous Waste Site?

Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment must report this information to the Department of Ecology (Ecology). If an "initial investigation" by Ecology confirms further action (such as testing or cleanup) may be necessary, the facility is entered onto either Ecology's "Integrated Site Information System" database or "Leaking Underground Storage Tank" database. These are computerized databases used to track progress on all confirmed or suspected contaminated sites in Washington State. All confirmed sites that have not been already voluntarily cleaned up are ranked and placed on the state "Hazardous Sites List." Owners, operators, and other persons known to be potentially liable for the cleanup of the site will receive an "Early Notice Letter" from Ecology notifying them that their site is suspected of needing cleanup, and that it is Ecology's policy to work cooperatively with them to accomplish prompt and effective cleanup.

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Who is Responsible for Cleanup?

Any past or present relationship with a contaminated site may result in liability. Under the Model Toxics Control Act a potentially liable person can be:

- A current or past facility owner or operator.
- Anyone who arranged for disposal or treatment of hazardous substances at the site.
- Anyone who transported hazardous substances for disposal or treatment at a contaminated site, unless the facility could legally receive the hazardous materials at the time of transport.
- Anyone who sells a hazardous substance with written instructions for its use, and abiding by the instructions results in contamination.

In situations where there is more than one potentially liable person, each person is jointly and severally liable for cleanup at the site. That means each person can be held liable for the entire cost of cleanup. In cases where there is more than one potentially liable person at a site, Ecology encourages these persons to get together to negotiate how the cost of cleanup will be shared among all potentially liable persons.

Ecology must notify anyone it knows may be a "potentially liable person" and allow an opportunity for comment before making any further determination on that person's liability. The comment period may be waived at the potentially liable person's request or if Ecology has to conduct emergency cleanup at the site.

Achieving Cleanups through Cooperation

Although Ecology has the legal authority to order a liable party to clean up, the department prefers to achieve cleanups cooperatively. Ecology believes that a non-adversarial relationship with potentially liable persons improves the prospect for prompt and efficient cleanup. The rules implementing the Model Toxics Control Act, which were developed by Ecology in consultation with the Science Advisory Board (created by the Act), and representatives from citizen, environmental and business groups, and government agencies, are designed to:

- Encourage independent cleanups initiated by potentially liable persons, thus providing for quicker cleanups with less legal complexity.
- Encourage an open process for the public, local government and liable parties to discuss cleanup options and community concerns.
- Facilitate cooperative cleanup agreements rather than Ecology-initiated orders. *Ecology can, and does, however use enforcement tools in emergencies or with recalcitrant potentially liable persons.*

What is the Potentially Liable Person's Role in Cleanup?

The Model Toxics Control Act requires potentially liable persons to assume responsibility for cleaning up contaminated sites. For this reason, Ecology does not usually conduct the actual cleanup when a potentially liable person can be identified. Rather, Ecology oversees the cleanup of sites to ensure that investigations, public involvement and actual cleanup and monitoring are done appropriately. Ecology's costs of this oversight are required to be paid by the liable party.

When contamination is confirmed at the site, the owner or operator may decide to proceed with cleanup without Ecology assistance or approval. Such "independent cleanups" are

allowed under the Model Toxics Control Act under most circumstances, but must be reported to Ecology, and are done at the owner's or operator's own risk. Ecology may require additional cleanup work at these sites to bring them into compliance with the state cleanup standards. Most cleanups in Washington are done independently.

Other than local governments, potentially liable persons conducting independent cleanups do not have access to financial assistance from Ecology. Those who plan to seek contributions from other persons to help pay for cleanup costs need to be sure their cleanup is "the substantial equivalent of a department-conducted or department-supervised remedial action." Ecology has provided guidance on how to meet this requirement in WAC 173-340-545. Persons interested in pursuing a private contribution action on an independent cleanup should carefully review this guidance prior to conducting site work.

Working with Ecology to Achieve Cleanup

Ecology and potentially liable persons often work cooperatively to reach cleanup solutions. Options for working with Ecology include formal agreements such as consent decrees and agreed orders, and seeking technical assistance through the Voluntary Cleanup Program. These mechanisms allow Ecology to take an active role in cleanup, providing help to potentially liable persons and minimizing costs by ensuring the job meets state standards the first time. This also minimizes the possibility that additional cleanup will be required in the future – providing significant assurances to investors and lenders.

Here is a summary of the most common mechanisms used by Ecology:

- **Voluntary Cleanup Program**: Many property owners choose to cleanup their sites independent of Ecology oversight. This allows many smaller or less complex sites to be cleaned up quickly without having to go through a formal process. A disadvantage to property owners is that Ecology does not approve the cleanup. This can present a problem to property owners who need state approval of the cleanup to satisfy a buyer or lender.

  One option to the property owner wanting to conduct an independent cleanup yet still receive some feedback from Ecology is to request a technical consultation through Ecology's Voluntary Cleanup Program. Under this voluntary program, the property owner submits a cleanup report with a fee to cover Ecology's review costs. Based on the review, Ecology either issues a letter stating that the site needs "No Further Action" or identifies what additional work is needed. Since Ecology is not directly involved in the site cleanup work, the level of certainty in Ecology's response is less than in a consent decree or agreed order. However, many persons have found a "No Further Action" letter to be sufficient for their needs, making the Voluntary Cleanup Program a popular option.

- **Consent Decrees:** A consent decree is a formal legal agreement filed in court. The work requirements in the decree and the terms under which it must be done are negotiated and agreed to by the potentially liable person, Ecology and the state Attorney General's office. Before consent decrees can become final, they must undergo a public review and comment period that typically includes a public hearing. Consent decrees protect the potentially liable person from being sued for "contribution" by other persons that incur cleanup expenses at the site while facilitating any contribution claims against the other persons when they are responsible for part of the cleanup costs. Sites cleaned up under a consent decree are also exempt from having to obtain certain state and local permits that could delay the cleanup.

- ***De Minimus* Consent Decree:** Landowners whose contribution to site contamination is "insignificant in amount and toxicity" may be eligible for a de minimus consent decree. In these decrees, landowner typically settle their liability by paying for some of the cleanup instead of actually conducting the cleanup work. Ecology usually accepts a de minimus settlement proposal only if the landowner is affiliated with a larger site cleanup that Ecology is currently working on.
- **Prospective Purchaser Consent Decree:** A consent decree may also be available for a "prospective purchaser" of contaminated property. In this situation, a person who is not already liable for cleanup and wishes to purchase a cleanup site for redevelopment or reuse may apply to negotiate a prospective purchaser consent decree. The applicant must show, among other things, that they will contribute substantial new resources towards the cleanup. Cleanups that also have a substantial public benefit will receive a higher priority for prospective purchaser agreements. If the application is accepted, the requirements for cleanup are negotiated and specified in a consent decree so that the purchaser can better estimate the cost of cleanup before buying the land.
- **Agreed Orders:** Unlike a consent decree, an agreed order is not filed in court and is not a settlement. Rather, it is a legally binding administrative order issued by Ecology and agreed to by the potentially liable person. Agreed orders are available for remedial investigations, feasibility studies, and final cleanups. An agreed order describes the site activities that must occur for Ecology to agree not to take enforcement action for that phase of work. As with consent decrees, agreed orders are subject to public review and offer the advantage of facilitating contribution claims against other persons and exempting cleanup work from obtaining certain state and local permits.

Ecology-Initiated Cleanup Orders

Administrative orders requiring cleanup activities without an agreement with a potentially liable person are known as **enforcement orders**. These orders are usually issued to a potentially liable person when Ecology believes a cleanup solution cannot be achieved expeditiously through negotiation or if an emergency exists. If the responsible party fails to comply with an enforcement order, Ecology can clean up the site and later recover costs from the responsible person(s) at up to three times the amount spent. The state Attorney General's Office may also seek a fine of up to $25,000 a day for violating an order. Enforcement orders are subject to public notification.

Financial Assistance

Each year, Ecology provides millions of dollars in grants to local governments to help pay for the cost of site cleanup. In general, such grants are available only for sites where the cleanup work is being done under an order or decree. Ecology can also provide grants to local governments to help defray the cost of replacing a public water supply well contaminated by a hazardous waste site. Grants are also available for local citizen groups and neighborhoods affected by contaminated sites to facilitate public review of the cleanup. See Chapter 173-322 WAC for additional information on grants to local governments and Chapter 173-321 WAC for additional information on public participation grants.

Public Involvement

Public notices are required on all agreed orders, consent decrees, and enforcement orders. Public notification is also required for all Ecology-conducted remedial actions.

Ecology's Site Register is a widely used means of providing information about cleanup efforts to the public and is one way of assisting community involvement. The Site Register is published every two weeks to inform citizens of public meetings and comment periods, discussions or negotiations of legal agreements, and other cleanup activities. The Site Register can be accessed on the Internet at: www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

How Sites are Cleaned Up

The rules describing the cleanup process at a hazardous waste site are in chapter 173-340 WAC. The following is a general description of the steps taken during the cleanup of an average hazardous waste site. Consult the rules for the specific requirements for each step in the cleanup process.

1. Site Discovery: Sites where contamination is found must be reported to Ecology's Toxics Cleanup Program within 90 days of discovery, unless it involves a release of hazardous materials from an underground storage tank system. In that case, the site discovery must be reported to Ecology within 24 hours. At this point, potentially liable persons may choose to conduct independent cleanup without assistance from the department, but cleanup results must be reported to Ecology.

2. Initial Investigation: Ecology is required to conduct an initial investigation of the site within 90 days of receiving a site discovery report. Based on information obtained about the site, a decision must be made within 30 days to determine if the site requires additional investigation, emergency cleanup, or no further action. If further action is required under the Model Toxics Control Act, Ecology sends early notice letters to owners, operators and other potentially liable persons inviting them to work cooperatively with the department.

3. Site Hazard Assessment: A site hazard assessment is conducted to confirm the presence of hazardous substances and to determine the relative risk the site poses to human health and the environment.

4. Hazard Ranking: The Model Toxics Control Act requires that sites be ranked according to the relative health and environmental risk each site poses. Working with the Science Advisory Board, Ecology created the Washington Ranking Method to categorize sites using data from site hazard assessments. Sites are ranked on a scale of 1 to 5. A score of 1 represents the highest level of risk and 5 the lowest. Ranked sites are placed on the state Hazardous Sites List.

5. Remedial Investigation/Feasibility Study: A remedial investigation and feasibility study is conducted to define the extent and magnitude of contamination at the site. Potential impacts on human health and the environment and alternative cleanup technologies are also evaluated in this study. Sites being cleaned up by Ecology or by potentially liable persons under a consent decree, agreed order or enforcement order are required to provide for a 30 day public review before finalizing the report.

6. Selection of Cleanup Action: Using information gathered during the study, a cleanup action plan is developed. The plan identifies preferred cleanup methods and specifies cleanup standards and other requirements at the site. A draft of the plan is subject to public review and comment before it is finalized.

7. Site Cleanup: Actual cleanup begins when the cleanup action plan is implemented. This includes design, construction, operation and monitoring of cleanup actions. A site may be taken off the Hazardous Sites List after cleanup is completed and Ecology determines cleanup standards have been met.

For More Information / Special Accommodation Needs

If you would like more information about the state Model Toxics Control Act, please call us toll-free at **1-800-826-7716**, or contact your regional Washington State Department of Ecology office listed below. Information about site cleanup, including a listing of ranked hazardous waste sites, is also accessible through our Internet address: http://www.ecy.wa.gov/programs/tcp/cleanup.html

- **Northwest Regional Office** **425/649-7000**
  (Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom Counties)
- **Southwest Regional Office** **360/407-6300**
  (Southwestern Washington, Olympic Peninsula, Pierce, Thurston and Mason Counties)
- **Central Regional Office** **509/575-2490**
  (Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima Counties)
- **Eastern Regional Office** **509/329-3400**
  (Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman Counties)

If you need this publication in an alternative format, please contact the Toxics Cleanup Program at (360) 407-7170. Persons with a hearing loss can call 711 for the Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Disclaimer Notice: This fact sheet is intended to help the user understand the Model Toxics Control Act Cleanup Regulation, chapter 173-340 WAC. It does not establish or modify regulatory requirements.

PLP Waiver Form Template

Seattle City Light
PO Box 34023
Seattle, WA 98124-4023

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I _____, a duly authorized representative of Seattle City Light, do hereby waive the right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accept status of Seattle City Light as a Potentially Liable Person at the following contaminated site:

- Site Name: American Linen Supply Co Dexter Ave
- Site Address: 700 Dexter Ave N, Seattle, WA 98109
- Cleanup Site ID: 12004
- Facility/Site ID: 3573

By waiving this right, Seattle City Light makes no admission of liability.

_____ _____
Signature Date

Relation to the Site: Owner