



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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May 17, 2013

CERTIFIED MAIL
7011 0470 0003 3820 2557

PROPERTY OWNER
9125 10TH AVE S
SEATTLE WA 98108

Re: Status Update Letter

- **Site Name:** Gary Merlino Construction Co., Inc.
- **Site Address:** 9125 10th Ave S, Seattle, WA 98108
- **Facility/Site No.:** 7727938
- **Cleanup ID:** 7758

Dear Property Owner:

Your site is part of a group of historical sites previously designated as Reported Cleaned Up (RCU). These are sites where cleanup reports and or other documentation was submitted to Ecology by owners or consultants indicating to us they had "reportedly cleaned up the site" but did not enter the former Independent Remedial Action Program (IRAP) or current Voluntary Cleanup Program (VCP) to achieve closure.

The Washington State Cleanup law (Model Toxics Control Act), requires Ecology to maintain a list of known or suspected contaminated sites (Hazardous Sites List). Based on available information in the department's files, the site above is listed as a contaminated site and is included on the Hazardous Sites List (HSL).

Please note that inclusion on the HSL **does not** mean that Ecology has determined you to be a potentially liable person responsible for cleanup under MTCA. However, this letter is a notification that an area(s) of **contamination exists** at this property. Further investigation or cleanup action is required to comply with Washington State laws and regulations. The specific issues at the site are:

1. Soil and ground water contamination above regulatory levels remained near former underground storage tanks.

Because of considerable potential liability, please be advised to carefully consider any investigation or cleanup actions and to carefully document steps taken independent of Ecology's involvement. Guidance documents to help conduct an independent cleanup are available if you are interested in this option. In proceeding with an independent cleanup, please be aware there are requirements in State law which must be met. Some of these requirements are addressed in WAC 173-340-120(8)(B) and -300(4). Ecology will use the appropriate



requirements contained throughout MTCA in its evaluation of the adequacy of any independent remedial (cleanup) actions performed.

Ecology has a strong commitment to work cooperatively with individuals to accomplish prompt and effective investigations and site cleanups. Your cooperation in planning or conducting a cleanup action is not an admission of guilt or liability.

If an independent cleanup action is undertaken, and a formal review of the work is desired, a report may be submitted to Ecology through the VCP. This program was established in response to the public's need for Ecology to more rapidly review cleanup actions. A fee has been established to support this review process. Guidance documents to help conduct an independent cleanup are available if you are interested in this option.

Ecology understands the lack of available financial resources may interfere with the ability of site owners to initiate and/or complete cleanup activities at their site. Please contact Ecology to speak directly about your site-specific needs to develop a plan for cleanup.

We want to work with you to develop a cleanup strategy for your site. Please contact us to evaluate the options for the remediation of the site.

Should you have any questions regarding this letter or if you would like a copy of Chapter 70.105D RCW (The Model Toxics Control Act), the implementing regulations, Chapter 173-340 WAC, that detail these requirements, or a guidance document, please contact me at (425) 649-7233 or sofe461@ecy.wa.gov. Thank you in advance for your cooperation.

Sincerely,



Sonia Fernández
Voluntary Cleanup Program
Northwest Regional Office
Toxics Cleanup Program

SF:sf