



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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October 1, 2015

Mr. Eric Hetrick  
Chevron Environmental Management Company  
Marketing Business Unit  
6101 Bollinger Canyon Road  
BR1X – Room 5315  
San Ramon, CA 94583

Ms. Barbara Berg  
Seattle Housing Authority  
PO Box 19028  
Seattle, WA 98109

Ms. Veronica Redstone  
Housing Resources Group  
1651 Bellevue Avenue  
Seattle, WA 98122

**Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the Following Hazardous Waste Site:**

- Name: **Seattle Housing Authority Maint PKG Lot (Chevron #209335)**
- Address: 1225 N. 45th Street, Seattle, 98103
- County Assessor's Parcel Number 7821200275
- Facility/Site No.: 70996824
- Cleanup Site No.: 6537
- VCP ID No.: NW2220

Dear Mr. Hetrick, Ms. Berg and Ms. Redstone:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".



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### **Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find Chevron Environmental Management Company liable under RCW 70.105D.040 for the release of hazardous substances at the **Seattle Housing Authority Maint PKG Lot (Chevron #209335)** facility (Site). This proposed finding is based on the following evidence:

1. Standard Oil Company (a predecessor of Chevron) purchased the property in 1954 and operated the Chevron Station No. 20-9335 until 1969 when the service station building and service garage were removed. Chevron sold the property in 1978 to the Seattle Housing Authority (SHA). The SHA subsequently sold the property to the Housing Resources Group (HRG) in 2005. The Site has since been developed into a seven-story, mixed-use retail/residential building with an underground parking garage, spanning the footprint of the former Chevron facility.
2. Soil and ground water sampling performed at the Site in 1999 showed concentrations of gasoline range petroleum hydrocarbons (TPH-g), diesel range petroleum hydrocarbons (TPH-d), benzene, toluene, ethylbenzene and xylenes (BTEX) above MTCA Method A cleanup values.
3. Light non-aqueous phase liquids (LNAPL), were reported in Site monitoring wells from 2000 until 2005. All Site monitoring wells were decommissioned in 2005 as part of a Site redevelopment by the HRG.
4. Soil remedial excavation followed by reinstallation of Site ground water monitoring wells was performed in 2006. LNAPL was observed in at least one Site ground water monitoring well.
5. Latest ground water monitoring report dated August 13, 2015, documents LNAPL observed in Site ground water monitoring well MW-7.

### **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;
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.

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Please submit your waiver or written comments to the following address:

Dale Myers  
Department of Ecology  
Toxics Cleanup Program  
3190 160th Avenue SE  
Bellevue, WA 98008

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 may be notifying additional persons that they may be potentially liable for the release of hazardous substances at the Site:

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 most efficiently clean up the Site.

### **Responsibility and Scope of Potential Liability**

Please note that 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.

Please also note that 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 70.105D.055 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. Conduct a Site Hazard Assessment;
2. Negotiate an Agreed Order to complete the Remedial Investigation, Feasibility Study and Draft Cleanup Action Plan to remediate the Site.

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For a description of the process for cleaning up a hazardous waste 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 hazardous waste 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 hazardous waste sites, please call me at (425) 649-4446. Thank you for your cooperation.

Sincerely,



Dale Myers  
Toxics Cleanup Program

Enclosures: Focus: Model Toxics Control Act Cleanup Regulation: Process for  
Cleanup of Hazardous Waste Sites (Pub. No. #94-129)  
Voluntary Waiver of Right to Comment Form  
Site Map

By Certified Mail: 7011 0470 0003 3682 4684 - Eric Hetrick, Chevron  
Environmental Management Company  
7011 0470 0003 3682 4691 - Barbara Berg, Seattle Housing Authority  
7011 0470 0003 3682 4677 - Veronica Redstone, Housing Resources Group