



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 7, 2017

Mr. Miles Dyer
Star Forge LLC dba Jorgensen Forge
8531 East Marginal Way South
Seattle WA 98108

Re: No Further Action Status at the following Site:

- **Site Name:** Jorgensen Forge Area 3 Gasoline
- **Site Address:** 8531 East Marginal Way South, Seattle, WA
- **Facility/Site No.:** 36575469
- **Cleanup Site No.:** 5956

Dear Mr. Dyer:

The Jorgensen Forge Area 3 Gasoline Site (Site) is specifically defined by the release of gasoline from a LUST formerly located at the main gate located at the northeast portion of the Jorgensen facility. The Site was originally reported to the Washington State Department of Ecology (Ecology) Northwest Regional Office (NWRO) Toxics Cleanup Program in 1991 during removal of the tanks. Other contaminants and areas of concern at this facility have and will continue to be addressed under separate administrative order.

A No Further Action (NFA) determination was made for the Site in 1999. However, during file reviews conducted by Ecology between 2011 and 2013 of all leaking underground storage tank (LUST) sites with "reported cleaned up" (RCU) status, this Site was erroneously reviewed. Ecology sent a Status Update Letter stating that additional work was required for Jorgensen Forge Area 3 Gasoline Site and the Site was re-opened in Ecology's databases in 2013. The 1999 NFA and the 2013 Status Update letters are included with this letter as **Enclosure A**.

During a review of the file in February 2017, it became clear that certain documents were not reviewed in 2013 because those reports were not referenced with other reviewed documents in Ecology's database. This documentation includes:

- Independent Remedial Action Report, Former Underground Storage Tank Area (Area 3), Forge Facility, 8531 East Marginal Way South, Seattle, Washington, SECOR International Incorporated, August 7, 1997.
- No Further Action (NFA) Determination, Ecology, October 11, 1999.



Mr. Miles Dyer

March 7, 2017

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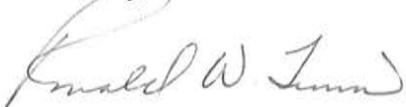
After further review, Ecology has come to the following conclusions:

1. The site status (of the LUST) should not have been changed in 2013. The 1999 NFA Letter issued by Ecology remains valid and in effect.
2. Ecology will continue to work with the Earle M. Jorgensen Company (EMJ) to address contamination at the Site that is unrelated to the Area 3 Gasoline LUST release.

We have updated Ecology's databases for the Jorgensen Area 3 Gasoline LUST Site. The Jorgensen Area 3 Gasoline Site status will show as No Further Action on Ecology's Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank List. The remainder of the Jorgensen facility will remain listed and will be addressed under the Agreed Order that is currently being negotiated between Ecology and EMJ.

If you have any questions about the status of the Site, please contact me by phone at 425-649-7185 or e-mail at rtim461@ecy.wa.gov.

Sincerely,



Ronald W. Timm
Toxics Cleanup Program

Enclosures (1): A -Previous Ecology Letters

cc: Mr. Daniel Dunn, Hogan Lovells US LLP
Ms. Donna Musa, ISIS Coordinator

Enclosure A

Previous Ecology Letters



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April 16, 2013

CERTIFIED MAIL
7011 0470 0003 3682 7500

PROPERTY OWNER
8531 E MARGINAL WAY S
SEATTLE WA 98108

Re: Status Update Letter

- **Site Name:** Earle M Jorgensen Company
- **Site Address:** 8531 E Marginal Way S, Seattle, WA 98108
- **Facility/Site No.:** 36575469
- **Cleanup ID:** 5956

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 the former Area 3 release.

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.

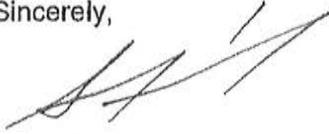
The Department has several options for working with organizations with multiple locations within a region. Some of these include:

1. **VCP**—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.
2. **Innovative agreements including Technical and Multi-site Agreements**—Innovative agreements such as these have resulted in 42 sites receiving No Further Action agreements in the past three years. The purpose of these agreements is to facilitate independent remedial action and cleanup for organizations that have multiple cleanup sites.
3. **Administrative Orders**—Ecology will assess what action is needed and establish a priority for that work under the formal MTCA cleanup process. At that time, the potentially liable person(s) would be determined and would be responsible for cleanup costs, including State oversight.

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.ea.gov. Thank you in advance for your cooperation.

Sincerely,



Sonia Fernández
Voluntary Cleanup Program
Northwest Regional Office
Toxics Cleanup Program

SF:sf



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

October 11, 1999

Lee Linne
Jorgensen Forge Corporation
8531 East Marginal Way South
Seattle, WA. 98108

Dear Mr. Linne;

Re: Independent Remedial Action
"Area 3", Jorgensen Forge Corp., 8531 East Marginal Way S., Seattle, WA.

Thank you for submitting the results of your independent remedial action(s) for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding "Area 3" of the Jorgensen Forge Corporation facility located at 8531 East Marginal Way S., Seattle, WA:

1. Report titled "Report: Subsurface Investigation, Aluminum Heat Treating Building Area, Jorgensen Forge Facility, Seattle, Washington", prepared for Jorgensen Forge Corporation, Seattle, WA. by Dames & Moore, Seattle, WA. [D&M Job No. 31613-011-005], and dated June 17, 1999.
2. Report titled "Independent Remedial Action Report: Former Underground Storage Tank Area (Area 3), Forge Facility, 8531 East Marginal Way South, Seattle, Washington", prepared for The EMJ Company, 3050 Birch Street, Brea, California, by SECOR International Incorporated, Bellevue, WA. [SECOR PN: 00075-026-01], and dated August 7, 1997.

The reports listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Central Records at the NWRO at (425) 649-7190 or -7239.

Based upon the information in the reports listed above, Ecology has determined that, at this time, the release of gasoline and BTEX (Benzene, Toluene, Ethylbenzene, Xylene) into the soil and groundwater no longer poses a threat to human health or the environment.



Mr. Linne
October 11, 1999
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Therefore, Ecology is issuing this determination that no further remedial action is necessary the gasoline release at "Area 3" of this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

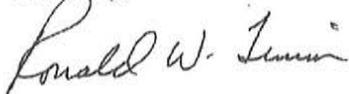
Ecology's no further action determination is made only with respect to the release identified in the reports listed above. This no further action determination applies only to the area of the property, referred to as "Area 3", affected by the release identified in the reports at 8531 East Marginal Way S., Seattle, WA. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Jorgensen Forge Corporation or JFC Holding Corporation.

Ecology will update its databases to reflect this "No Further Action" determination for "Area 3". However, your site will continue to appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report), and the Leaking Underground Storage Tanks (LUST) database because of other contaminant releases that are being addressed at this site.

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact me at 425-649-7185.

Sincerely,



Ronald W. Timm
Hydrogeologist
Toxics Cleanup Program

RWT