



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 18, 2017

Electronic Copy

Mr. Tom Colligan
FloydSnider, Inc.
601 Union St., Suite 600
Seattle, WA 98101

**Re: Overdue Deliverables/Tasks,
Olympia Dry Cleaners Site, 606 E. Union Avenue, Olympia, Washington,
Consent Decree 14-2-02104-3 (Ecology Docket DE 10908)
Ecology Facility/Site No. 1446, Cleanup Site ID No. 4722.**

Dear Mr. Colligan:

Consent Decree No. 14-2-02104-3, entered on November 5, 2014, requires specific tasks to be performed. Currently, there are several tasks that the PLPs have failed to perform. These tasks are listed below:

1. Perform groundwater monitoring as described in the Compliance Monitoring Plan. The required September 2017 groundwater and seep sampling event was not performed. **It is imperative that this event be conducted by the end of October.** Quarterly sampling and maintenance of the seep filter socks are necessary for preventing seep treatment breakthrough and resulting discharge to the surface water point of discharge (Cherry Street SE catch basin).
2. Environmental (Restrictive) Covenants. As per Section VI.A.7 of the Consent Decree (CD) Environmental Covenants (ECs) need to be prepared, submitted to Ecology for review and approval, and then filed with Thurston County for the parcels that are within the Site. We previously notified Mr. Brad Jones, attorney, Gordon Thomas Honeywell, about this overdue item in a May 23, 2017 e-mail. He responded in an e-mail on the following day that he would talk with you and the client and get back to us. No response was ever received.
3. Financial Assurances.
 - a. **Financial assurances need to be done as per Section XXI of the CD.** This item was also stated in our May 24, 2017 e-mail to Mr. Jones.

Please also note that we sent an e-mail to Mr. Jones on June 10, 2015 that requested changes/revisions be made to the financial assurances cost table that was prepared by you, dated April 2015, and submitted to us via e-mail on May 4, 2015. A revised estimate was never submitted to us.

- b. As stated in our June 10, 2015 e-mail, Within 60 days of Ecology's review and approval of the estimate, the CD requires proof of financial assurance sufficient to cover all costs for operation and maintenance of institutional controls and monitoring at the site, in a form acceptable to Ecology. Here are some possible options that could be used for this proof:

1. Fully Funded Trust Fund
2. Letter of Credit from an FDIC-insured bank
3. Performance Bond

Above options #2 and #3 would also likely require the creation of a Standby Trust Agreement. Insurance company agreements have also been used in some situations for financial assurance. Please let me know if you have any questions about these options. Ecology has a Financial Assurance Officer that can also assist.

Please note that financial assurances are only required for long-term operation and maintenance (Task 4 only). Ecology expects the estimate to follow cost estimate standard practice of a 20% contingency. If there is a deviation from the typical 20% then a rationale for this shall be provided to Ecology. Sales tax shall also be included. Please also note that each year, as work is done (or if Ecology agrees that certain work is no longer needed) or if additional needs are identified, the total needed for financial assurances shall be increased or decreased accordingly to reflect the remaining work that needs to be done from that time forward. The Consent Decree outlines these expectations, as well.

If you have any questions, please contact me at (360) 407-6247 or at steve.teel@ecy.wa.gov.

Sincerely,



Steve Teel, LHG
Cleanup Project Manager/Hydrogeologist
Toxics Cleanup Program
Southwest Regional Office

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By Certified Mail: [91 7199 9991 7037 0277 7897]

Cc: Ms. Lynn Grochala, Floyd|Snider, Inc.
The Estate of Katherine Burleson and GJG, LLC, c/o Mr. Bradley B. Jones,
Gordon, Thomas, Honeywell
Allyson Bazan – Office of the Attorney General
Nick Acklam – Department of Ecology
Kimberly Goetz – Department of Ecology

