



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 16, 2019

Than Associates, LLC  
Clara Chen (Agent)  
644 164th PI NE  
Bellevue, WA 98008

**Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:**

- **Site Name:** Former Carson Cleaners
- **Site Address:** 4701 Brooklyn Ave NE Seattle, WA 98105
- **Cleanup Site ID:** 14878
- **Facility/Site ID:** 15518216
- **King County Assessor's Parcel Number:** 8817400125

Dear Clara Chen:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the former Carson Cleaners facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. This determination is based on an Initial Investigation conducted on January 31, 2019. Ecology has added the Site to its list of confirmed and suspected contaminated Sites.

Based on credible evidence, Ecology is proposing to find Tahn Associates, LLC liable under MTCA for the release of hazardous substances at the 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.

Pursuant to RCW 70.105D.040(1)(a), the owner or operator of a facility (Site) where hazardous substances have come to be located is liable. A Site may have more than one liable party, including prior owners or operators. If you have additional information regarding other potentially liable persons, please share that information with my office. Based on the information that Tahn Associates, LLC is the current property owner of the above parcel, Ecology finds that credible evidence exists which supports your status as a potentially liable person for the release at the former Carson Cleaners.



### **Proposed Finding of Liability**

Ecology is proposing to find Tahn Associates, LLC liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. The former Carson Cleaners operated a dry-cleaning business on the property from the early 1960s to approximately 2014. Carson Cleaners, Inc. is listed by the Washington State Secretary of State (UBI 600068512) as having been incorporated on March 24, 1972 and administratively dissolved on July 1, 2015.
2. Tahn Associates LLC is the current owner of the property located at 4701 Brooklyn Ave NE in Seattle. Tahn Associates acquired the property in a Special Warranty Deed dated November 29, 2012, from an ownership group listed as Gary W. Rickert, Medley (Rickert) Brewer, and the Wayne A. Rickert Testamentary Trust. A Memorandum of Environmental Indemnity Agreement between Tahn LLC and the previous ownership group was recorded on January 15, 2013 (copy attached), and provided recording and notification of an existing Environmental Indemnity Agreement (dated November 26, 2012) between the parties.
3. As part of an environmental cleanup of the former Chevron 90129 Site across the street from this former dry cleaners, dry cleaning chemicals in the form of halogenated volatile organic compounds (HVOCs) were discovered in the southwestern portion of the property and along the perimeter of NE 47th Street. Due to the groundwater flow direction, these contaminants likely originated from the former dry cleaners which operated at the Site from early 1960s until 2014.
4. The following documents detail the finding of HVOC in groundwater above MTCA cleanup levels under NE 47th Street.
  - Interim Action Report, Former Chevron Service Station No. 90129, 4700 Brooklyn Avenue NE, Seattle, WA. Dated January 4, 2019
  - On-Property Remedial Investigation Data Report, 4700 Brooklyn Avenue NE, Seattle, WA. Memorandum to Dale Myers, Washington State Department of Ecology. Dated January 17, 2017.

These documents can be found at Ecology's Web Site <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=10632> and clicking on the link View Electronic Documents.

Under MTCA, when two separate Site groundwater plumes become comingled, the two Sites are considered one Site. Since the HVOC groundwater plume has comingled with the former



### **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:

Dale Myers  
Toxics Cleanup Program, Northwest Regional Office  
3190 160th 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 will be notifying the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Rickert Ownership Group  
Gary Rickert (co-trustee of the Wayne A. Rickert Testamentary Trust)  
2115 NW 199th St Shoreline, WA 98177.
2. Carson Cleaners, Inc.  
Roger E. Lageschulte (Agent)  
320 Dayton St #127  
Edmonds, WA 98020.

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 work together to most efficiently clean up the Site.

### **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 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. Ecology intends to conduct a Site Hazard Assessment.
2. Ecology intends to initiate discussions for an Agreed Order or Decree.

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.

### **Site Listing**

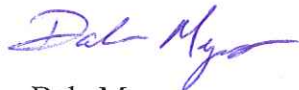
Ecology has added the Site to its list of confirmed and suspected contaminated Sites. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Clara Chen  
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### Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated Sites, please call me at (425) 649-4446 or email me Dale.Myers@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Dale Myers  
Cleanup Project Manager  
Toxics Cleanup Program, NWRO

Enclosures (3)

1. Focus: Model Toxics Control Act Cleanup Regulation: Process For Cleanup of Hazardous Waste Sites (#94-129)
2. PLP Waiver Form
3. Memorandum of Environmental Indemnity Agreement

By certified mail: 9171 9690 0935 0214 2159 69

cc: Cheryl Cameron (CEMC)  
Eric Hetrick (CEMC)  
Robert Goodman (Roger's Joseph O'Donnell PLLC)  
Eran Fields (Fields Holdings)  
William Joyce (Joyce Ziker Parkinson PLLC)  
Allyson Bazan, Office of the Attorney General  
Ecology Site File

