



Toxgon Corporation  
(formerly Penberthy Electromelt International)  
(425) 661-6694

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 6, 2003

**CERTIFIED MAIL**

7002 3150 0004 8540 3923

Mr. James Bellamy  
President  
TOXGON Corporation  
201-A Broadway  
Tacoma, WA 98402

Dear Mr. Bellamy:

Re: ToxGon Corporation (formerly Penberthy Electromelt International) at 631 South 96<sup>th</sup> Street, Seattle, Washington

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

Ecology's Hazardous Waste and Toxics Reduction Program has reviewed the following information regarding the ToxGon Corporation facility (formerly Penberthy Electromelt International) at 631 South 96<sup>th</sup> Street, Seattle, Washington:

*RCRA Interim Status Clean Closure Report, West Drainage Ditch/Hamm Creek, ToxGon/Penberthy Site, Seattle, Washington, prepared by the Pacific Groundwater Group, dated April 10, 2003.*

The report 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 Sally Perkins at the NWRO at (425) 649-7190.

Based upon the information in the report listed above, Ecology has determined that, at this time, the release of dioxin/furans, Pb, and Cd into the soils within the west drainage ditch and the sediments within confluence of the west ditch with Hamm Creek no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary for the west drainage ditch and creek under MTCA, chapter 70.105D RCW.

Mr. James Bellamy

June 6, 2003

Page 2 of 2

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.

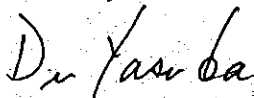
Ecology's no further action determination is made only with respect to the release identified in the report listed above. This no further action determination applies only to the offsite west drainage ditch and creek cleanup identified in the above mentioned report. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Mr. Jim Bellamy and/or ToxGon Corporation.

Ecology is in the process of initiating a 45-day public comment for its proposal to terminate ToxGon's RCRA interim status and deny the final dangerous waste permit. The public will also have the opportunity to comment on Ecology's proposal to release ToxGon from further RCRA corrective action cleanup responsibilities based on current information. However, if new information regarding any contamination at or which has migrated from the ToxGon facility is brought to Ecology's attention during the public comment period, Ecology will require ToxGon to remediate this contamination. If additional cleanup is required at the west ditch and receiving creek, Ecology will rescind this no further action determination.

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) 649-7264 or [dyas461@ecy.wa.gov](mailto:dyas461@ecy.wa.gov).

Sincerely,



Dean Yasuda, P.E.  
Environmental Engineer  
Hazardous Waste and Toxics Reduction Section  
Northwest Regional Office

DY:dh

cc: Julie Sellick, Ecology NWRO/HWTR