



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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December 4, 2019

Wayne A. Rickert Testamentary Trust
% Medley Carol Brewster, Co-Trustee
31 Koda Dr.
Selah, WA 98942

Re: Final Determination of Liability for Release of Hazardous Substances at the following Contaminated Sites:

- **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 Medley Carol Brewster:

On April 16, 2019, the Department of Ecology (Ecology) sent the Wayne A. Rickert Testamentary Trust (Trust), via Co-Trustee Gary Rickert, written notice of our preliminary determination that Rickert Ownership Group is a potentially liable person (PLP) for a release of hazardous substances at the former Carson Cleaners facility (Site) which has comingled with the release of hazardous substances at the former Chevron 90129 facility. On June 1, 2019, Mr. Rickert received the notice on behalf of the Trust. A copy of that letter is enclosed. On July 1, 2019, the 30-day comment period on our preliminary determination expired. As of July 18, 2019, Ecology had not received any written comments from the Trust.

Based on available information, Ecology finds that credible evidence exists that Rickert Ownership Group is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Rickert Ownership Group is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and clean up facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for Rickert Ownership Group to bring about the prompt and thorough cleanup of hazardous



Medley Carol Brewster

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substances at this Site. Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Dale Myers, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Dale Myers at (425) 649-4446 or Dale.Myers@ecy.wa.gov.

Sincerely,



Robert W. Warren
Section Manager
Toxics Cleanup Program, NWRO

Enclosures (1)

1. Wayne A. Rickert Testamentary Trust (Trust), preliminary determination of Liability, April 16, 2019.

By certified mail: 9171 9690 0935 0214 2541 97

cc: Allyson Bazan, Assistant Attorney General
Erin Fields, FH Brooklyn, LLC
William F. Joyce, Joyce Ziker Parkinson, PLLC
Timothy Bishop Chevron Environmental Management Company
Cheryl A. Cameron, Chevron Environmental Management Company
Robert C. Goodman, Rogers Joseph O'Donnell, PC
Steve S. Chianglin, Chianglin Law Firm, PLLC
Dale Myers, Department of Ecology



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April 16, 2019

Rickert Ownership Group
Gary Rickert (co-trustee of the Wayne A. Rickert Testamentary Trust)
2115 NW 199th St.
Shoreline, WA 98177

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 Gary Rickert:

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 Rickert Ownership Group 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 Rickert Ownership Group was the property owner of the above parcel when the former Carson Cleaners was in operation, 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 Rickert Ownership Group 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 1960's 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. Title and tax records indicate that the subject property was owned by various members of the Rickert family between 1953 and 2012, and that a dry cleaning business (Carson Cleaners Inc.), occupied the subject property as a tenant from the early 1960s to 2014. The property was sold to Tahn LLC in 2012, and Carson Cleaners appears to have continued operation for a short time after the sale. The property is currently used as a restaurant.

Multiple property transactions are listed in Ecology's Title Search of the property during the operational time period of Carson Cleaners, but appear to be primarily property transfers between members of the Rickert family. Title Search records indicate that the property was transferred to Nellie Helen Rickert by a Statutory Warranty Deed dated June 17, 1970, and to Wayne Rickert by a Special Warranty Deed dated January 4, 1985.

Title Search records between 1985 and 2012 include multiple listings for property transactions between various estates and trusts which included members of the Rickert family (Wayne A, Walter H., Nellie Helen, Valdene C., Kathryn, and Gary W. Rickert are each listed for at least one property transfer), and the recorded documents include Special Warranty Deeds and Quit Claim Deeds. Listed trustees and estate representatives also included Mardell (Rickert) Morrison, John W. Morrison, John C. Morrison, and Medley C. (Rickert) Brewer

3. 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 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.

4. 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 1960's until 2014.
5. 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 Chevron 90129 gasoline plume under NE 47th Street, it appears it is part of the Chevron 90129 Cleanup Site which is under an Agreed Order with Ecology.

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.

Gary Rickert
April 16, 2019
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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 if after 30 days 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. Tahn Associates, LLC
Clara Chen (Agent)
644 164th PI NE.
Bellevue, WA 98008

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.

Gary Rickert
April 16, 2019
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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.

Gary Rickert
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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 via email 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 76

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