



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 8, 2020

Michael L. Dunning
Perkins Coie
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099

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

- **Site Name:** Seattle Times
- **Site Address:** 1120 John Street, Seattle, WA 98109
- **Cleanup Site ID:** 14495
- **Facility/Site ID:** 4377754

Dear Michael Dunning:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Seattle Times facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. This determination is based on investigations conducted at the Former Seattle Times property located at 1120 John Street, Seattle, WA 98109. Ecology has added the Site to its list of confirmed and suspected contaminated sites.

Based on credible evidence, Ecology is proposing to find Seattle Times 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.

Proposed Finding of Liability

Ecology is proposing to find the Seattle Times Company (Seattle Times) 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. Seattle Times is the past owner of the Site. According to the Bargain and Sale Deed recorded on November 27, 2013 (King County No. 20131127000713), Onni John Street (Land) LLC purchased King County Parcel No. 198620-0525-08 from the Seattle Times Company in 2013.

2. Credible evidence exists indicating that a “release or threatened release” of a “hazardous substance” has occurred at the Site as defined in RCW 70.105D.020(13) and (32), which poses a threat to human health or the environment. As a result of environmental non-compliance and recent investigations performed at the Site, Ecology believes that a release of hazardous substances has occurred at the Site, and further action will be required at this Site.
3. Seattle Times first began operations at its facility located at 1120 John Street, Seattle, in 1931. Seattle Times ceased operations at its 1120 John Street facility in 2011. While in operation, the facility included at least 11 underground storage tanks (USTs), which contained a range of compounds including waste oils and liquids, heating oil, diesel fuel, gasoline, and petroleum- and solvent-based inks.
4. A January 8, 2010 Phase I Environmental Site Assessment Report, by Farallon Consulting, L.L.C., identified the following environmental conditions at the Site:
 - Potential releases of inks and/or cleaning compounds from two large newspaper printing presses located on below-grade foundations.
 - The presence of a maintenance garage on the property with the known use of solvents and petroleum products for vehicle maintenance starting around 1948.
 - The presence of a hazardous materials storage room with drains that were connected to an oil/water separator and a UST located west of the building. The age, location, and condition of that UST were not known.
5. Data from an August 16, 2013 “Limited Subsurface Investigation Report,” by Environmental Partners, Inc., shows concentrations of petroleum hydrocarbons and PCBs in the soil above the MTCA level at various locations throughout the Site. The data also shows tetrachloroethene (PCE), trichloroethene (TCE), vinyl chloride (VC), and petroleum hydrocarbons in the groundwater at concentrations above MTCA cleanup levels.
6. Additional data were collected to further define the extent of petroleum hydrocarbons and solvent contamination in the soil and groundwater at the Site. *See* May 30, 2018 Technical Memorandum “Supplemental Investigation” by Environmental Partners, Inc.
7. In September 2019, SoundEarth Strategies, Inc. collected soil samples in the course of installing two new groundwater monitoring wells on the northern edge of Onni’s property located at 1120 John Street (the Seattle Times Site). The data shows concentrations of TCE above the MTCA cleanup level for soil in both locations (MW-29 and MW-30), at 30 feet bgs and 20 feet bgs, respectively. This soil contamination indicates a release of hazardous substances occurred on the Site. The data also shows concentrations of PCE and TCE above the MTCA cleanup level for groundwater at monitoring well MW29.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology’s proposed finding of liability, you may either:

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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:

Sunny Becker
Toxics Cleanup Program, NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452

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 has notified the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Onni John Street (Land) LLC
c/o Jeffrey D. Laveson
Carney Badley Spellman, P.S.
701 Fifth Avenue, Suite 3600
Seattle, WA 98104-7010

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 jointly 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

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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. Initiate discussions for and issue an Agreed Order
2. Conduct a remedial investigation and feasibility study

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.

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) 649-7187 or sunny.becker@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Sunny Becker
Cleanup Project Manager
Toxics Cleanup Program, NWRO

Enclosures

1. FOCUS: MODEL TOXICS CONTROL ACT CLEANUP REGULATION: PROCESS FOR CLEANUP OF HAZARDOUS WASTE SITES (#94-129)
2. PLP WAIVER FORM

cc: Jeffrey D. Laveson, Carney, Badley, Spellman
John Level, Office of the Attorney General
Ecology Site File