

January 29, 2020

VIA EMAIL & REGULAR MAIL

Sunny Becker
Northwest Regional Office
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Re: *Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at Troy Laundry Seattle*

Site Name: Seattle Times
Site Address: 1120 John Street, Seattle, WA 98109
Cleanup Site ID: 14494
Facility/Site ID: 4377754

Dear Ms. Becker:

We respond to Ecology's Early Notice letter to Onni dated December 18, 2019.

As we advised in our prior correspondence to Ecology, the groundwater and soil contamination that extends onto Onni's property originates from the up-gradient Troy Laundry property. EPI has conducted additional subsurface investigation and was in the final stages of completing a Remedial Investigation at the time Onni received your recent Early Notice letter. **The completed RI, which follows Ecology's format for RI report preparation, can be downloaded from a link, which we will send you via email.**

The RI by EPI confirms that the sole source of the subject solvent contamination was due to the historical operations at the neighboring Troy Laundry site.

Before purchasing the Seattle Times property, Onni retained the environmental consultants Environmental Partner's, Inc. ("EPI") to perform the equivalent of an "all appropriate inquiry." EPI reviewed all available documentation, which included data collected and analyzed for prior potential purchasers of the site, including a thorough 2013 subsurface investigation.

The PRP exemption under RCW 70.105D.020(22) "where a hazardous substance has come to be located solely as a result of migration of the hazardous substance to the real property through the groundwater from a source off the property" still applies.

EPI's analysis continues to indicate that no source at the former Seattle Times property has contributed to the solvent groundwater impacts identified in your letter. The RI is compliant with the requirements of MTCA and

Ecology's Voluntary Cleanup Program ("VCP"), and Onni wishes to proceed under the VCP rather than under an Agreed Order.

Onni appreciates that Ecology recognizes its assertion of exemption from PLP status for the Troy Laundry Site under RCW 70.105D.020(22)(iv). It remains our opinion that any contaminants released on the Seattle Times Site are separate and distinct from impacts on the Seattle Times Site that originated from the Troy Laundry Site. Notwithstanding recent data collected by the Troy Laundry Site PLPs, it is our opinion that the attached RI Report demonstrates this separation of contaminants. That opinion is based on the following observations and data contained within the RI:

- Releases to soil on the Seattle Times Site do not extend beyond 30 feet in depth and do not impact the same aquifer impacted by Troy Laundry. This is demonstrated by the extensive on-property data contained within the RI Report and by the vertical separation between the soil samples collected by the Troy Laundry Site PLPs at wells MW-29 and MW-30. Those soil samples demonstrate an approximate 60 foot vertical separation between shallow soil (30 feet below grade) and the top of the aquifer (95 feet below grade). Sampling within the interior of the Seattle Times Site demonstrates a maximum depth of impacts to soil of 20 feet and an approximate 75-foot vertical separation between those impacts and the impacted deeper aquifer.
- Numerous soil samples collected within shallow soil on the northern and northwestern portion of the Seattle Times Site were tested for the presence of chlorinated volatile organic compounds and were not detected. For example, no VOCs were detected in soil samples collected from boring U-16 (5 and 15 feet below grade), MW-2 (10 feet below grade), U-10 (5 and 10 feet below grade), and U-14 (10 and 15 feet below grade). These sampling locations surround MW-29 and MW-30 within an arc of approximately 40 to 50 feet in the south and east directions. This finding demonstrates that a shallow source of TCE is not present in this location.
- Chlorinated solvents do not appear to have been released on the Seattle Times property. A total of 65 soil samples were collected at the Seattle Times property. Of these 65 samples, only one sample contained a chlorinated solvent (trichloroethene; TCE) at a concentration exceeding the method detection limit (MDL). The detected concentration was located at boring U-11 at 15 feet below grade and was below the MTCA Method A cleanup level of 0.03 mg/kg. TCE was not detected in a sample located at 20 feet below grade in boring U-11. The vast majority of the other samples collected were from shallow soils (i.e, immediately below surface or 5 to 10 feet below grade) and are representative of the operational areas of the property. No chlorinated VOCs were detected in any of these samples. The absence of impacts within the upper 15 feet of soil does not suggest a historical on-property release of TCE or other VOCs in this area or that a mechanism exists for the northward transport of those compounds to the areas where the impacts were detected in MW-29 and MW-30.

These findings indicate a significant vertical and lateral separation between impacts that are present on the Seattle Times Site as a result of on-property releases and the impacts that originated from the hydraulically up gradient Troy Laundry Site.

The RI Report documents the presence of a shallow aquifer that is intermittently present on the Seattle Times Site and likely to the north beneath Thomas Street and former on the Troy Laundry Site prior to excavation. That shallow aquifer was present at between 15 feet and 30 feet below grade, which is the same

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approximate depth as the impacted soil identified at MW-29 and MW-30. The most likely source of impacts to those soils is the historical migration of VOCs within the shallow aquifer prior to it being dewatered during the Troy Laundry Site redevelopment. There is the additional contaminant migration mechanism of vapor phase transport and sorption to soil, which is consistent with the concentrations of TCE detected in the soil samples from MW-29 and MW-30.

Given the available data, it is much more likely that the impacts to soil at MW-29 and MW-30 are the result of migration from the Troy Laundry Site than from a historical use on the Seattle Times Site. The data also documents a vertical and lateral separation between the impacts on the Seattle Times Site that originated from on-property releases and those impacts that originated from an off-property release at the Troy Laundry Site.

Based on these findings Onni respectfully requests that Ecology acknowledge that Onni is not a PLP for the Troy Laundry Site. Onni fully intends to comply with all applicable laws and regulations and to take those actions necessary to preserve its protections under RCW 70.105D.020(22)(iv) while also fully remediating its owned property.

Onni continues to share information and cooperate with Touchstone, the current owner of the neighboring Troy Laundry site, to assist Touchstone with its own obligations under its own Agreed Order with Ecology.

Onni is willing to provide additional information upon request to assist Ecology in its analysis of the applicability of RCW 70.105D.020(22)(b)(iv) and RCW 70.105D.020(17)(b)(iv) as referenced above. Onni's consultants at EPI welcome the opportunity to meet with Ecology to further discuss this matter.

We appreciate your ongoing cooperation. Please feel free to contact me as the need arises. I look forward to your response.

Kind regards,

CARNEY BADLEY SPELLMAN, P.S.



Jeffrey D. Laveson

cc: Caroline Cress
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