



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

June 15, 2020

Bellevue Investors I LLC  
505 5<sup>th</sup> Ave S #900  
Seattle, WA 98104

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

- **Site Name:** Bellevue Plaza Solvent Plume
- **Site Address:** 117 106th Avenue NE, Bellevue WA 98004
- **Cleanup Site ID:** 15145
- **Facility/Site ID:** 60393
- **County Assessor's Parcel Number(s):** 154410-0352, 154410-0353

Dear Bellevue Investors I LLC:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Bellevue Investors I LLC liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Bellevue Plaza Solvent Plume facility (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 Bellevue Investors I 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. Bellevue Investors I LLC is the current owner or operator of the property located at 117 106th Avenue NE, Bellevue (King County parcel 154410-0352).
2. There has been a release of a hazardous substance on the parcel, which has been impacted by releases from other adjacent parcels, including, but not limited to,

tetrachloroethylene (perchloroethylene; PCE), 1,2-dichloroethane (1,2-DCA), and petroleum hydrocarbons such as gasoline, diesel, and oil. The adjacent parcels and releases are listed below:

<b>Former Activity Name</b>	<b>Ecology Facility Site ID</b>	<b>Former Parcel Number</b>	<b>Current Parcel Number</b>	<b>Current Parcel Owner</b>	<b>Contaminants of Concern</b>
Kwik Cleaners	21152971	----	154410-0353	Lakeside Holdings Limited Partnership LLC	Perchloroethylene (PCE) from off property sources
Bellevue Plaza Shopping Center	-----	155410-0362	155410-0352	Bellevue Investors I LLC	PCE potentially from off-property sources
Locksmith Parcel	-----	155410-0351	155410-0352	Bellevue Investors I LLC	-----
Jiffy Lube Store 1109	19883748	155410-0348	155410-0352	Bellevue Investors I LLC	Petroleum hydrocarbons; 1,2-dichloroethane

3. These hazardous substances have potentially become co-mingled in soil and/or ground water.
4. Ecology has received reports documenting the presence of hazardous substances in soil and groundwater on the referenced parcel, including:

Farallon Consulting. 2019. Release Notification, Bellevue Plaza Property, 117 106<sup>th</sup> Avenue NE, Bellevue, Washington. Farallon PN 397-034. Prepared for Bellevue Investors I LLC. December 12, 2019.

### **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:

Michael Warfel  
NWRO Toxics Cleanup Program  
3190 160<sup>th</sup> Avenue 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 may be potentially liable for the release of hazardous substances at the Site:

Lakeside Holdings Limited Partnership I LLC, current owner or operator of property located at 44 Bellevue Way NE, Bellevue WA (King County parcel 154410-0353).

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, the reason you believe they are liable, and their contact information. 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 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:

Initiate discussions for an Agreed Order that incorporates the following:

- A Work Plan to complete an updated assessment of the horizontal and vertical extent of PCE and its related breakdown chemicals, and petroleum and related chemicals in soil, soil vapor, and groundwater at concentrations greater than MTCA cleanup levels, on the referenced parcel and any other affected parcels.
- Upon Ecology approval, implementation of the Work Plan.
- Preparation of a Remedial Investigation (RI) report that documents the concentrations and extent of contamination in affected media.
- Upon Ecology approval of the RI report, preparation of a Feasibility Study (FS) that evaluates cleanup alternatives and proposes a final cleanup action that meets MTCA requirements.
- Preparation of a Draft Cleanup Action Plan (DCAP).

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.

### **Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at 425-442-6034 or michael.warfel@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Michael R. Warfel  
Cleanup Project Manager  
Toxics Cleanup Program, NWRO

### **Enclosures (2):**

1. Model Toxics Control Act Cleanup Regulation, Process for Cleanup of Hazardous Waste Sites, Revised November 2007; Focus No. 94-129
2. PLP Waiver Form Template

cc: Nels Johnson, Assistant Attorney General  
Ecology Site File