



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 19, 2007¹

Mr. Peter Parker
Elliott Holding Co, LLC
1000 2nd Ave, STE 1800
Seattle, WA 98104-1046

Dear Mr. Parker:

**Re: Opinion pursuant to WAC 173-340-515(5) on Proposed Cleanup
Action for the following Hazardous Waste Site:**

- Name: Elliott Holdings Co. LLC
- Address: 635 Elliott Ave W., Seattle WA
- Facility/Site No.: 21722841
- VCP No.: NW1825

Thank you for submitting documents regarding your proposed Cleanup Action Plan for the Elliott Holdings Co. LLC facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether your proposed cleanup action is likely to be sufficient to meet the specific substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

¹ Originally completed October 1, 2007.



Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. *Darigold Facility 635 Elliott Avenue West Historical Documents 1993 – 2000*, dated October 23rd 2000, prepared by Slotta Design & Construction.
2. *Westfarm Foods Field Investigation Data Summary Report*, dated May 11th 2001, prepared by Entrix, Inc.
3. *Environmental Data Summary from Previous Studies and Reports Westfarm Foods Site*, dated May 3rd 2001, prepared by Entrix, Inc.
4. *Westfarm Foods 2003 Phase III Field Investigation Data Summary Report*, dated November 6th 2003.
5. *LeatherCare Groundwater Investigation Data Summary Report*, dated August 31st 2005, prepared by Entrix, Inc.
6. *North Parking Lot Interim Remedial Measures*, dated August 2005, prepared by Entrix, Inc.
7. *Groundwater Monitoring Summary 2nd Quarter (May) 2006*, dated July 2006, prepared by Entrix, Inc.
8. *Groundwater Monitoring Summary May 2003 – March 2006*, dated April 2006, prepared by Entrix, Inc.
9. *Groundwater Monitoring Summary Volume 2, Appendices B- I*, dated April 2006, prepared by Entrix, Inc.
10. *Groundwater Monitoring Summary 3rd Quarter (September) 2006*, dated January 2007, prepared by Entrix, Inc.
11. *Groundwater Monitoring Summary 3rd Quarter (September) 2006 Volume 2*, dated January 2007, prepared by Entrix, Inc.
12. *Groundwater Monitoring Summary 2nd Quarter (May) 2007*, dated June 2007, prepared by Entrix, Inc.
13. *Groundwater Monitoring Summary 1st Quarter (February) 2007*, dated April 2007, prepared by Entrix, Inc.

14. *Cleanup Action Plan Darigold Facility – VCP NW1267*, dated April 2007, prepared by Entrix, Inc.
15. *Cleanup Action Plan Darigold Facility – VCP NW1267*, dated July 2007, prepared by Entrix, Inc.
16. Correspondence from Entrix to Sunny Becker dated March 17th 2005,
Notice of Planned Independent Remedial Action dated May 3rd 2007,
Email correspondence from Jing Liu to Rob Barrick dated May 8th 2007,
Correspondence from CDM to Jing Liu dated June 4th 2007,
Correspondence(s) from Johannessen & Associates to Dale Myers dated August 1st 2007
Correspondence from Entrix to Dale Myers dated August 6th 2007
Correspondence from Entrix to Dale Myers dated August 17th 2007,
Email correspondence from Entrix to Dale Myers dated August 27th 2007,
Correspondence from Entrix to Dale Myers dated August 29th 2007,
Email correspondence from Entrix to Dale Myers dated August 29th 2007.
17. *September 2006 Groundwater Monitoring LeatherCare, Inc.* dated November 3rd 2006, prepared by CDM.
18. *February 2007 Groundwater Monitoring LeatherCare, Inc.* dated June 15th 2007, prepared by CDM.
19. *Containment Assessment LeatherCare, Inc.* dated July 25th 2006, prepared by CDM.
20. *June 2007 Groundwater Monitoring LeatherCare, Inc.* dated August 3rd 2007, prepared by CDM.
21. *Catch Basin, Sump, Drain Cleaning LeatherCare, Inc.* dated September 6th 2007, written by CDM.
22. Correspondence from CDM to Dale Myers concerning proposed removal/excavation of exterior catch basin & proposed instillation of more monitoring wells and sampling events, dated August 14th 2007.
23. *Darigold Elliott Ave Sidewalk Investigation.* Dated October 1st 2007, written by Entrix.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425.649.7239.

The Site is defined by the extent of contamination caused by the following release(s):

- 1,1-dichloroethene, tetrachloroethene, trichloroethene & vinyl chloride in Soil & Ground Water;
- Benzo[a]pyrene in Soil;
- Arsenic, chromium & lead in Soil
- Gasoline, diesel & oil range petroleum hydrocarbons in Soil & Ground Water.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of your proposed Cleanup Action Plan and supporting documentation listed above, **Ecology has determined that the proposed remedial action is likely to be sufficient to meet the specific substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:**

- Benzo[a]pyrene in Soil,
- Arsenic, chromium & lead in Soil,
- Gasoline, diesel & oil range Petroleum hydrocarbons in Soil & Groundwater.

However, based on a review of your proposed Cleanup Action Plan and supporting documentation listed above, **Ecology has also determined that the proposed remedial action is not likely to be sufficient to meet the specific substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:**

- 1,1-dichloroethene, tetrachloroethene, trichloroethene & vinyl chloride in Soil & Ground Water.

Soil and groundwater have been impacted above MTCA standards by Tetrachloroethene (PCE) and its degraded by-products, this halogenated hydrocarbon plume has migrated from the Leather Care facility and commingled with the Darigold heavy-oil and diesel subsurface groundwater plume. The extent of the plume has not been fully characterized at this time (08/03/07). Soils and groundwater currently (08/03/07) exceed MTCA Standards for PCE and its degraded products.

This opinion does not represent a determination by Ecology that the proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these

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opinions, you must submit an independent remedial action report to Ecology upon completion of the remedial action and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at 425.649.4446.

Sincerely,



Dale R. Myers
NWRO Toxics Cleanup Program

DM:mm

Enclosures: 1