

7901 2nd Ave S, LLC
P. O. Box 80464
Seattle, WA 98108

October 21, 2025

Submitted via Ecology's South Park Landfill Webpage

<https://apps.ecology.wa.gov/cleanupsearch/site/1324>

Meredith Waldref, Public Involvement Coordinator
Ryan Gardiner, Site Manager
Washington Department of Ecology
Northwest Regional Office
15700 Dayton Avenue N.
Shoreline, WA 98133

Re: 7901 2nd Avenue S. LLC – Comments on Proposed Agreed Order, Cleanup Action Plan,
and SEPA Determinations for 7901 2nd Ave S LLC and for Kenyon Industrial Park

Dear Ms. Waldref and Mr. Gardiner:

This letter submits comments on behalf of 7901 2nd Ave S, LLC ("7901"), which will be the signatory to the 7901 Agreed Order and which is a member of the public and community in which the 7901 2nd Avenue South property ("7901 property") is located.

The governors of 7901, John and Gretchen Hill, have operated their family business (Hill Industries, Inc.) for over 30 years, specializing in managing a fragile aluminum foil material used in commercial aviation manufacturing. The company has supported the Hill family and a small team of long-time employees—most of whom live in West Seattle and have raised families here. It is also one of two tenants at the 7901 property.

In May 2005, John Hill purchased the 7901 property, which is located on an extremely small portion of the much larger site known as the former South Park Landfill. It was promptly transferred to 7901, of which the Hills are the sole governors. The 7901 property is a 0.72-acre parcel with a single 17,000 square foot steel warehouse. The warehouse was constructed in 1975, more than a decade after the South Park Landfill ceased operation.

The 7901 property represents a *de minimis* portion of what Ecology designates as the historic landfill boundary. The South Park Landfill spans 39 acres, so the 7901 property represents a mere 1.85% of the total historical landfill. Since the existing building met 7901's operational needs, 7901 did not plan any redevelopment when it took title and currently has no plans for future redevelopment.

Around 2013, a City of Seattle attorney and a developer approached 7901 regarding participation in their **Consent Decree** related to cleanup of the larger landfill site. 7901 hired legal counsel and an environmental consulting firm, and worked diligently to educate itself about the process. By 2022, after extensive discussions, 7901's attorney had negotiated a **De Minimis Consent Decree** with your agency and the Attorney General's Office. Throughout this process, 7901 has consistently cooperated in good faith, accepted the environmental restrictions that Ecology was proposing during those negotiations, and committed the company to responsible site management.

As part of that proposed decree, 7901 would be required to install methane monitoring devices inside the warehouse and to maintain the pavement around the existing steel warehouse, but not tear it up or replace it. 7901 was prepared to sign the Decree that was negotiated with Ecology. In 2023, however, Ecology abruptly and, without adequate explanations or factual justifications for the change, decided that the pavement would have to meet the minimum cap requirements for a landfill, requirements that are imposed by law only on new or proposed landfills (not on historical landfills, such as the South Park Landfill, of which the 7901 property occupies only 0.72 acres). As Ecology acknowledges in 7901's Cleanup Action Plan (footnote 5 on page 5-1), "none of the closure requirements in WAC 173-301, 173-304, or 173-351 are applicable requirements." It is electing, pursuant to WAC 173-340-710(7)(c), to use the WAC 173-304 closure requirements as minimum requirements.

Ecology is electing to do so, however, without an adequate factual basis and where there is no factual evidence of historical municipal solid waste ("MSW") disposal on the 7901 property. The only "solid waste or impacted waste" found in borings drilled in May 2017, which were drilled at each of the four corners of the 7901 property through the existing pavement, was demolition debris in the form of nails and bricks in Boring 2 and "some wood chips" in Boring 1. There was no MSW detected in any of the borings, each of which was drilled to a maximum depth of 20 feet below ground surface ("bgs").

Ecology is requiring a minimum thickness of 12 inches of fill material over "the solid waste or impacted waste". The demolition debris in Boring 2 was detected at 2.5-3 feet bgs (nails) and at 4.5-5 feet bgs (bricks). The wood chips in Boring 1 were detected at 9.3-10 feet bgs. The shallowest impacts – in the form of "weak petroleum odor" – were detected at depths below 9 feet bgs in Boring 1 and 14.5-15 feet bgs in Boring 2. Although "garbage-like odor" was detected at 4.6-4.9 feet bgs in Boring 3 and 3.5-4 feet in Boring 4, neither boring detected any MSW. A copy of the borings and the site figure showing the locations of the borings are attached.

Therefore, the 7901 property already meets the minimum thickness requirement of 12 inches of fill material over any alleged "solid waste or impacted waste". Despite this, to the detriment of the community in the form of substantial truck traffic to haul out asphalt and haul in new pavement materials to the 7901 property and the Kenyon Industrial Park property, Ecology is requiring that the existing pavement be torn out and replaced with either a 3-inch minimum thickness for asphaltic concrete or a 4-inch minimum thickness for cement concrete to cover an already over-10-foot thick layer of fill material. There is no factual basis upon which to require a *de minimis* party such as 7901 to incur the thousands of costs – including the associated disruptions to its tenants' businesses and the enormous truck traffic and noise that the removal and replacement of the pavement will cause – to rip out pavement that is already maintained and in good condition, absent any evidence whatsoever that

MSW exists on the property. Ecology has provided no explanation for what has changed technically to warrant the new requirements at the 7901 property. Nor has it adequately analyzed the costs and impacts associated with its decision to impose those requirements.

Without explanation and without factual justification, Ecology insisted that 7901 sign a *de minimis* Consent Decree that imposed these requirements without, in 7901's view, a proper legal or factual basis for the change. Furthermore, the SEPA Checklist incorrectly suggests that the truck-, dust- and noise-related impacts caused by meeting these requirements will be nominal. There has been no SEPA evaluation of the impacts that will be caused by tearing up the pavement to 7901's and Kenyon Industrial Park's tenants and to members of the community. As noted below, there could be as many as **400 truckloads** of material exiting and entering these properties if these pavement-related requirements are imposed. Nor has Ecology conducted (or required the parties who dumped the waste at the South Park Landfill to conduct) a disproportionate cost analysis that would show a public interest benefit from removal and replacement of the pavements at the 7901 property and the Kenyon Industrial Park property that is greater than the impacts that those actions will have on the community. Furthermore, Ecology has not explained how it is "equitable" to impose these significantly higher costs on 7901 as a *de minimis* party.

This year, 7901 was instead presented with the threat of an Enforcement Order, and were told to "take it or leave it" by Ecology. 7901 then learned that the owner of the neighboring Kenyon Industrial Park, whose property encompasses 6.49 acres and is over nine times larger than the 7901 property, was given the opportunity to enter into an Agreed Order with Ecology in lieu of an enforcement order. 7901 approached Ecology to inquire as to why it was treating a *de minimis* party so differently from other non-*de minimis* potentially liable parties. Ecology then changed course and offered a "take the Agreed Order or else" approach, telling us that the "Agreed" Order was non-negotiable. 7901 is electing to enter into the Agreed Order rather than face the threatened enforcement action by Ecology and despite the fact that it does not provide any of the protections afforded by the earlier negotiated *De Minimis* Consent Decree (i.e., covenant not to sue, contribution protection, and a waiver of past Ecology costs).

7901's Primary Concerns

- **Disproportionate Financial Burden:** The required remediation involves removing and replacing the asphalt and up to seven inches of gravel across the 7901 property to meet the combined depth required for the crushed rock and new asphalt. According to 7901's environmental consultant, SoundEarth Strategies, this would represent approximately 27 trucks for hauling out the removed material and 30 trucks for hauling in the new material. In its SEPA determination, Ecology has not consider the noise, traffic, and dust impacts of increased truck traffic on the neighboring community. Nor has it considered the inability of tenants in the warehouse, including Hill Industries, to operate during the removal and replacement of the pavement surrounding the building. Furthermore, it is 7901's understanding that there could be as many as a total of **400 truckloads** or more of material, if one includes the same removal and replacement requirements being required for the neighboring Kenyon Industrial Park parcel, exiting and entering the properties. These pavement-related costs are extremely large for 7901, whose only asset is the 0.72-acre parcel. With the requirements for methane monitoring and

ongoing Ecology oversight, 7901's costs could well exceed **\$250,000**. Please explain why Ecology believes that this is equitable and the extent to which Ecology believes it is consistent with its guidance for treatment of *de minimis* parties. Also, as a member of the public, 7901 would like Ecology's explanation for why (1) it has not conducted a disproportionate cost analysis before imposing these requirements; and (2) it did not address these substantial (and not nominal) noise, dust, and traffic-related impacts in Section 14 of its SEPA Checklist on what Ecology acknowledges is a vulnerable and economically disadvantaged community.

- **Failure to Hold the Dumping Parties Responsible for Conditions on 7901's Property:** Ecology has refused to hold the true responsible parties liable for conditions on the 7901 property – namely, the City of Seattle and King County (both of whom were owners of the 7901 property during the time of the alleged, but factually unsupported, waste disposal). Under the Agreed Order, Ecology is placing the burden of cost recovery on 7901, a small business and *de minimis* party. Please explain the rationale for Ecology's decision not to require the primary parties that were responsible for the alleged conditions on the 7901 property and the Kenyon Industrial Park property to conduct these cleanup actions.
- **Unexplained Change in Ecology Position:** 7901 never refused any request to sign on to the *De Minimis* Consent Decree that was negotiated. However, the requirements to rip up and replace the pavement on the 7901 property were imposed without a clear legal or factual basis – relying on standards that do not apply to historical landfills – and without clear communication and proper SEPA compliance. As a member of the public, 7901 asks that Ecology identify all of the historical landfills that ceased accepting waste before 1970, to which Ecology has applied the requirements in WAC 173-304-640 and has required property owners to rip up and replace existing pavement that is in good condition.
- **Ongoing Costs and Oversight:** Ecology is forcing a *de minimis* party to face continuous and open-ended quarterly billing from Ecology for meetings, reviews, and site inspections. Please explain why Ecology believes that this is equitable and consistent with Ecology's *de minimis* guidance rather than requiring the parties, who operated the landfill and are responsible for the alleged waste disposal, to do so.
- **External Impacts:** Increased heavy truck traffic from nearby developments (including the City's and County's Utility truck maintenance and recycling projects) contributes to surface damage on 2nd Avenue South and worsens stormwater flow issues. Please explain what steps Ecology is taking to require the parties liable for waste disposal to minimize these impacts.

7901 has always acted as responsible stewards of its property and fully acknowledge the environmental sensitivities associated with former landfilling activities. 7901 is not seeking to avoid responsibility, only to ensure that costs are **equitably shared** (i.e., imposed on those whose operations resulted in any alleged waste disposal). 7901 should not be unfairly burdened by obligations stemming from others' historical polluting activities and development projects.

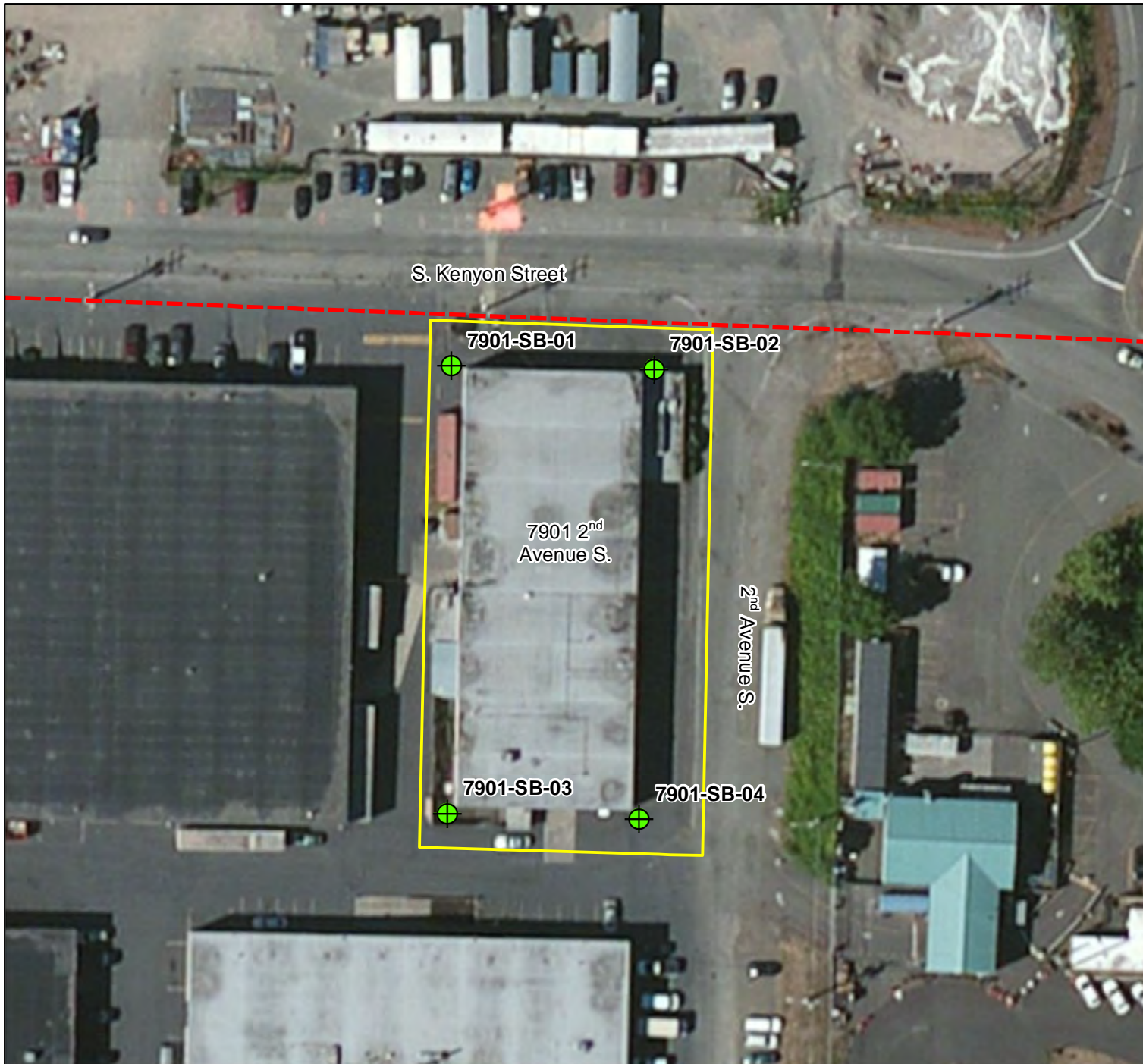
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Thank you for your consideration of 7901's comments and look forward to your written responses. 7901 remains ready and willing to cooperate with all agencies involved and to continue maintaining its property to the highest standards. 7901 simply asks for fairness and transparency in the process.




Sincerely,

John and Gretchen Hill
Governors of 7901 2nd Ave S, LLC

cc: Kim Maree Johannessen (*via e-mail only*)
Levi Fernandes, SoundEarth Strategies (*via e-mail only*)



LEGEND:

-  Proposed Boring
-  South Park Landfill Boundary
-  7901 2nd Avenue S. Parcel Boundary

NOTES:

1. Background Source: ESRI World Imagery (USDA NAIP, 08/2015).



SOUTH PARK LANDFILL
SEATTLE, WA

7901 2nd AVENUE S.
PROPERTY AND
BORING LOCATIONS

FIGURE: 2 | DATE: 4/25/2017

- Abbreviations for Moisture Content: SM = slightly moist, M = moist, VM = very moist, W = wet
- Water levels were not measured inside the temporary wells used for low-flow groundwater sampling, and water levels shown on boring logs are based only on soil sample moisture.

**MONITORING WELL/ BORING LOG**

BORING/WELL No:


7901-SB-01

PAGE 2 of 2

PROJECT: 7901 SPLF DRILLER: Holt Services
LOCATION: 2nd Ave S. DRILL METHOD: Air-knife / Direct Push
CLIENT: Ecology SAMPLE METHOD: Continuous
DATE: 5/25/2017 HOLE DIAMETER: 3.25" / 2.0"
LOGGED BY: T. Dubé HOLE DEPTH: 20'

WELL DIAMETER:
WELL DEPTH:
WELL CASING:
WELL SCREEN:
FILTER PACK:

CASING ELEVATION:

Approx. Water Level	Moisture Content	PID (ppm)	BLOWS/6"	Sample		DEPTH (ft.)	SOIL TYPE	LITHOLOGY / DESCRIPTION	Well Completion/ Backfill Material
				Recovery	Interval				
	M	0.3				12		(In the 10-15 ft core, only 1.4 ft were recovered; assumed this interval was from 13.6 to 15 ft.)	
	W	0.3				13			
	W					14	ML/ SW	13.6 to 14.7: Firm to stiff SILT, and very fine to coarse SAND, with rock, minor debris, and wood, including iridescent coated rock; no odor, no sheen; fill material. ●Soil sample SB-01-14 collected @1540 from 14-14.7 ft.	
						15	ML SW	14.7 to 15: Gray, firm SILT with some clay; homogeneous, weak petroleum odor, slight sheen; apparent native material. 15 to 15.1: Brown, fine to coarse SAND (in drive shoe).	
						16		(In the 15-20 ft core, only 2.5 ft were recovered; assumed this interval was from 17.5 to 20 ft.)	
	W	1.4				18	ML	17.5 to 20: Brown, soft to firm laminated SILT with some clay, fairly plastic; homogeneous; weak petroleum odor, slight sheen; native material. ●Soil sample SB-01-17.5 collected @1545 from 17.5-18.5 ft.	
	W	1.9				19	ML	Same as above; weak petroleum odor, no sheen.	
						20		Boring completed at 20 ft below ground surface.	
						21		●Groundwater sample SB-01-GW collected @16:00 from 17.5 ft within a temporary well screen.	
						22			

NOTES:

**MONITORING WELL/ BORING LOG**

BORING/WELL No:

7901-SB-02

PAGE 2 of 2

PROJECT: 7901 SPLF DRILLER: Holt Services Inc.
LOCATION: 2nd Ave S. DRILL METHOD: Air-knife / Direct Push
CLIENT: Ecology SAMPLE METHOD: Continuous
DATE: 5/25/2017 HOLE DIAMETER: 3.25" / 2.0"
LOGGED BY: T. Dubé HOLE DEPTH: 20'

WELL DIAMETER:
WELL DEPTH:
WELL CASING:
WELL SCREEN:
FILTER PACK:

CASING ELEVATION:

Approx. Water Level	Moisture Content	PID (ppm)	BLOWS/6"	Sample		DEPTH (ft.)	SOIL TYPE	LITHOLOGY / DESCRIPTION	Well Completion/ Backfill Material
				Recovery	Interval				
	M	0.9		little recovery		12	SM	(Little recovery from 10-15 feet, except at base of core and in geoprobe drive shoe, at an assumed depth of 14.5 to 15 ft.)	
						13			
						14			
						15		14.5 to 15: Dark brown, loose, silty SAND with some rock/gravel; weak petroleum odor, slight sheen; apparent fill material. ● Soil sample SB-02-14.5 collected @ 09:30 from 14.5-15 ft.	
						16		(In the 15-20 ft core, only 2.5 ft were recovered; assumed this interval was from 17.5 to 20 ft.)	
						17			
						18		17.5 to 18: Dark gray, dense, fine SAND with some silty layers; weak to no odor, no sheen; likely native material. ● Soil sample SB-02-17.5 collected @ 09:35 from 17.5-18 ft.	
						19	ML	18 to 20: Medium brown, moderately plastic, firm to stiff SILT with some clay and woody debris; no odor, no sheen; native material.	
						20			
	W	0.4				21		Boring was completed at 20 ft bgs.	
						22		● Groundwater sample SB-02-GW collected @ 10:35 from 19.5 ft. within a temporary well screen.	
	W	0.1							
	W	0.1							

NOTES:



MONITORING WELL/ BORING LOG

BORING/WELL No:

7901-SB-03

PAGE 1 of 2

PROJECT: 7901 SPLF DRILLER: Holt Services
LOCATION: 2nd Ave S. DRILL METHOD: Air-knife / Direct Push
CLIENT: Ecology SAMPLE METHOD: Continuous
DATE: 5/25/2017 HOLE DIAMETER: 3.25" / 2.0"
LOGGED BY: T. Dubé HOLE DEPTH: 20'

WELL DIAMETER:
WELL DEPTH:
WELL CASING:
WELL SCREEN:
FILTER PACK:

CASING ELEVATION:

Approx. Water Level	Moisture Content	PID (ppm)	BLOWS / 6"	Sample		DEPTH (ft.)	SOIL TYPE	LITHOLOGY / DESCRIPTION	Well Completion/ Backfill Material
				Recovery	Interval				
								1 " Asphalt. Boring was cleared to 5 feet bgs using air-knife.	
							ML	Silt with minor rocks and some sand; fill material.	
						1			
						2			
	M	0.1					ML	2.5 to 3: Gray, firm, gravelly SILT with very fine sand; no odor, very slight sheen.	
						3			
						4			
	M	0.5					ML	4.6 to 4.9: Similar to above; but with less gravel; no odor, no sheen, but garbage-like odor in hole.	
						5		(In the 5-10 ft core, only 2.2 ft were recovered; assumed this interval was from 7.8 to 10 ft.)	
						6			
						7			
						8	ML	7.8 to 8.5: Gray-brown to gray-green, stiff SILT with minor very fine sand. and some rock; no odor, no sheen.	
	M	0.5						•Soil sample SB-03-8 collected @ 14:05 from 8-8.5 ft.	
	M	0.3				9	ML/ SP	8.5 to 10: Dark brown-gray, oxidized orange to pale grayish white, heterogeneous mix of stiff SILT and very dense, very fine to fine SAND with some rocks; no odor, no sheen; fill material.	
	W							•Soil sample SB-03-9 collected @ 14:10 from 9-10 ft.	
						10			
						11			

**MONITORING WELL/ BORING LOG**

BORING/WELL No:

7901-SB-04

PAGE 1 of 2

PROJECT: 7901 SPLF DRILLER: Holt Services
LOCATION: 2nd Ave S. DRILL METHOD: Air-knife / Direct Push
CLIENT: Ecology SAMPLE METHOD: Continuous
DATE: 5/25/2017 HOLE DIAMETER: 3.25" / 2.0"
LOGGED BY: T. Dubé HOLE DEPTH: 20'

WELL DIAMETER:
WELL DEPTH:
WELL CASING:
WELL SCREEN:
FILTER PACK:

CASING ELEVATION:

Approx. Water Level	Moisture Content	PID (ppm)	BLOWS / 6"	Sample		DEPTH (ft.)	SOIL TYPE	LITHOLOGY / DESCRIPTION	Well Completion/ Backfill Material
				Recovery	Interval				
								Asphalt. Boring was cleared to 4 feet bgs using air-knife.	
							ML/ SW	Mixed silt, gravel, sand with rock; fill material.	
						1			
								Rocks up to 5".	
						2			
	SM	0.1					ML	2.5 to 3: Medium gray to gray-brown, soft to firm SILT with some gravel/rock to 2"; no odor, no sheen.	
						3			
	SM	0.1					ML	3.5 to 4: Dark gray, soft, sandy SILT with rocks and debris; no odor, no sheen, but garbage-like odor in hole.	
						4			
						5			
						6		(In the 5-10 ft core, only 3.3 ft were recovered; assumed this interval was from 6.7 to 10 ft.)	
						7	ML	6.7 to 7.5: Gray-brown, firm SILT with minor sand and some gravel/rock and debris; no odor, no sheen; fill material.	
	M W	0.2					ML/ SP	7.5 to 8: Brown woody material and stiff SILT interbedded with very dense, very fine to medium SAND with gravel.	
	VM	0.5					ML	8 to 9.3: Gray hard SILT with rock, and some very fine to coarse sand; no odor, light globular sheen.	
						9		●Soil sample SB-04-9 collected @ 12:05 from 9-10 ft.	
	M	29.6					ML/ SP	9.3 to 10: Dark brown, plant debris-rich (peat), stiff SILT and very fine to fine SAND, and rock fragments; no odor, no sheen.	
	W					10			
						11			

**MONITORING WELL/ BORING LOG**

BORING/WELL No:

7901-SB-04

PAGE 2 of 2

PROJECT: 7901 SPLF DRILLER: Holt Services
LOCATION: 2nd Ave S. DRILL METHOD: Air-knife / Direct Push
CLIENT: Ecology SAMPLE METHOD: Continuous
DATE: 5/25/2017 HOLE DIAMETER: 3.25" / 2.0"
LOGGED BY: T. Dubé HOLE DEPTH: 20'

WELL DIAMETER:
WELL DEPTH:
WELL CASING:
WELL SCREEN:
FILTER PACK:

CASING ELEVATION:

Approx. Water Level	Moisture Content	PID (ppm)	BLOWS/6"	Sample		DEPTH (ft.)	SOIL TYPE	LITHOLOGY / DESCRIPTION	Well Completion/ Backfill Material
				Recovery	Interval				
	M	4.7				12		(In the 10-15 ft core, only 1.5 ft were recovered; assumed this interval was from 13.5 to 15 ft.)	
	W	0.3				13			
						14	ML/ SP	13.5 to 14.7: Similar to above; mixture of very dense SAND, hard SILT, and rock with some debris (brick); no odor no sheen; fill material.	
						15	ML	•Sample SB-04-14 collected @ 12:10 from 14-15 ft. 14.7 to 15: Creamy white with orange oxidation, soft, soapy material, overlying brownish woody silt-rich material; no odor, no sheen; fill material.	
						16			
						17		(In the 15-20 ft core, only 1.5 ft were recovered; assumed this interval was from 18.5 to 20 ft.)	
						18			
	W	0.2				19	ML	18.5 to 20: Brown, firm SILT, grading downward to brown-gray, dense, fine SAND; no odor, no sheen; likely native material.	
	W	0.3				20	SP	•Soil sample SB-04-18.5 collected @ 12:15 from 18.5-20 ft, plus MS/MSD sample volume.	
						21		Boring completed at 20 feet bgs.	
						22		•Groundwater sample SB-04-GW collected @12:50 from 17.5 ft within a temporary well screen.	

NOTES: