



City of Bothell™

April 1, 2019

Jerome Cruz, Ecology Site Manager
Department of Ecology,
Northwest Regional Office Toxic Cleanup Program
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Re: Quarterly Progress Report #4

Reporting Period: Jan 1 – Mar 31, 2019

Site Names: **BOTHELL LANDING
BOTHELL PAINT & DECORATING
BOTHELL FORMER HERTZ**

Summary:

City of Bothell continues to implement the Cleanup Action Plans for the afore-mentioned sites as part of the Agreed Orders between the City and the Department of Ecology. Per the requirements of Section VII of the Agreed Orders “Work to be Performed”, the attached quarterly progress reports (QPRs) have been prepared for the three-month period preceding this submittal.

As noted in previous QPRs, Kane Environmental continues to conduct the quarterly groundwater monitoring for all three sites. Work on the environmental covenants (EC) continued to be coordinated by the respective legal staff at Ecology and City. An extension period with a due date of March 1, 2019 was initially granted by Ecology’s site manager to allow for continuation of the legal work on the covenants. A second extension was requested to allow for reviews, continued coordination and finalizing the ECs; this was granted on March 6, 2019.

Please contact me if you have any questions.

Sincerely,

Nduta Mbuthia

Nduta Mbuthia

Public Works Department
18415 101st Ave NE
Bothell, WA 98011
425.806.6800
www.bothellwa.gov

Reporting Period: Oct 1 – Dec 31, 2018
Date submitted (electronically): April 1, 2019
Date mailed (certified w/return receipt): April 2019
Prepared by: Nduta Mbuthia, Project Coordinator
City of Bothell, Public Works Department
Phone: 425.806.6829
Email: nduta.mbuthia@bothellwa.gov

CONTENTS

- A. A list of on-site activities that have taken place during the reporting period;
- B. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests;
- C. Description of all deviations from Schedule (Exhibit D) during the current reporting period
- D. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule
- E. All raw data (including laboratory analyses) received by PLP during the past reporting period and an identification of the source of the sample; and
- F. A list of deliverables for the upcoming reporting period if different from the schedule.

Site Name: **BOTHELL LANDING**
Agreed Oder No.:15746, Effective date June 11, 2018

A. A list of on-site activities that have taken place during this quarter

The following on-site activity has occurred this quarter: - Groundwater compliance monitoring for the winter quarter was performed in March 2019. Sampling results were submitted to the Site manager under separate cover.

B. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests

For the groundwater sampling, three analytes were added based on discussions with the site manager on February 1. See attached email dated February 8, 2019

C. Description of all deviations from the Schedule (Exhibit D) during the current quarter and any planned deviations in the upcoming quarter

There has been a deviation from the schedule this quarter with regard to:-

- i. Sampling activity for winter quarter – this was initially pushed out to February but heavy snow storms caused further delays and the sampling was conducted in March 2019 - see emails attached. The consultant also proposed an overall schedule showing the anticipated quarterly monitoring dates for the first year of compliance monitoring.
- ii. Finalizing the Environmental Covenants (ECs) for the site – the City’s consultant attorney sent the revised EC packages to AAG on February 26th. According to the deliverables schedule, the Final ECs were due 30 days after receiving Ecology’s comments which were provided on October 30th at a meeting with the respective staff and counsel at City offices. After discussions with the AG’s office, on December 24th the City’s legal team requested a time extension to continue working on the ECs along with continued coordination with Ecology’s legal team/AG office. In January, the city’s legal team sent a spreadsheet containing all the easements pertaining to this and other sites Ecology’s site manager. On January 11, the Ecology site manager approved a three month extension of the schedule to finalize the environmental covenant for the site; the new due date was

March 1. A second extension request through the end of July was granted on March 6, 2019 to allow for reviews, continued coordination and finalizing the ECs. After the ECs are finalized, the next step will be to record the ECs after obtaining all the grantee signatures.

D. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule

The City’s legal team continued to work on the environmental covenants and with the goal of accomplishing the task by the second extended deadline of July 30, 2019.

E. All raw data (including laboratory analyses) received by Defendants during the past quarter and an identification of the source of the sample

The second round of groundwater compliance monitoring (YR-1) was conducted per the CMP Table 3-1B (as modified below); sampling results provided to Ecology when available

**Table 3-1B
Sampling Approach – Ground Water
SUBSEQUENT ROUNDS**

Sample type	Sampling location	Sampling Frequency / Rationale	Analytes
Arsenic			
Point of compliance	BLMW-11 BLMW-12 MW-1	Quarterly for two years, then modify based on results and consultation with Ecology*	Total Arsenic Dissolved Arsenic Total petroleum hydrocarbons, diesel and oil range TPH-D, TPH-O Field parameters

* If compliance monitoring from the Site shows that the arsenic remains at elevated concentrations for eight quarters of monitoring, with no other detections of petroleum hydrocarbon contamination, this data can be used to demonstrate that the elevated concentrations represents a locally high natural background for arsenic. Based on this evidence, a request can be made to remove the institutional controls for ground water at the site and discontinue monitoring.

*Naphthalene,
1-Methylnaphthalene, &
2-Methylnaphthalene*

LANDING – To include in A. *A list of on-site activities that have taken place during this quarter*

During a meeting with Jerome Cruz, Ching Pi and John Kane, Naphthalene, 1-Methylnaphthalene, and 2-Methylnaphthalene will continued to be included in compliance groundwater monitoring for one well, BL-MW-12 only. Concentrations of these chemicals were above their respective MTCA cleanup standard.

- F. A list of deliverables for the upcoming quarter if different from the schedule.
 Same as the schedule

EXHIBIT D

**Bothell Landing Facility
 Schedule of Deliverables**

<u>Deliverables.</u>	<u>Due Date</u>
Draft Institutional Control (IC) Plan; Draft Environmental Covenant(s); and a Title Report	Within 120 days after the effective date of the Agreed Order
Final IC Plan and Final Environmental Covenant(s)	Within 30 days of receipt of Ecology comments on the Draft IC Plan and Draft Environmental Covenant(s).
Record Final Environmental Covenant(s) with King County Auditor	Within 5 days after Ecology's approval of the Final IC Plan or Ecology's signature as grantee of the Final Environmental Covenant(s), whichever occurs last.
Start ground water monitoring	Within 90 days after final CAP is approved
Combined TPH/Arsenic ground water monitoring	Quarterly for two years, then modify based on results and consultation with Ecology
Combined TPH/Arsenic ground water monitoring reports	90 days after 4 th quarter sampling
Progress reports	Every 3 months unless Ecology authorizes less frequent reporting

Site Name:	BOTHELL PAINT & DECORATING
Agreed Oder No.:	15748 (Effective date May 31, 2018)

A. A list of on-site activities that have taken place during this quarter

The following on-site activity has occurred this quarter: Groundwater compliance monitoring for the winter quarter was performed in March 2019. Sampling results were submitted to the Site manager under separate cover.

B. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests

There have been no deviations this quarter

C. Description of all deviations from the Schedule (Exhibit D) during the current quarter and any planned deviations in the upcoming quarter

There has been a deviation in the schedule this quarter with regard to

- i. Sampling activity for winter quarter this was initially pushed out to February but heavy snow storms caused further delays and the sampling was conducted in March 2019 - see emails attached. The consultant also proposed an overall schedule showing the anticipated quarterly monitoring dates for the first year of compliance monitoring.
- ii. Finalizing the Environmental Covenants (ECs) for the site – the City’s consultant attorney sent the revised EC packages to AAG on February 26th. According to the deliverables schedule, the Final ECs were due 30 days after receiving Ecology’s comments which were provided on October 30th at a meeting with the respective staff and counsel at City offices. After discussions with the AG’s office, on December 24th the City’s legal team requested a time extension to continue working on the ECs along with continued coordination with Ecology’s legal team/AG office. In January, the city’s legal team sent a spreadsheet containing all the easements pertaining to this and other sites Ecology’s site manager. On January 11, the Ecology site manager approved a three month extension of the schedule to finalize the environmental covenant for the site; the new due date was March 1. A second extension request through the end of July was granted on March 6, 2019 to allow for reviews, continued coordination and finalizing the ECs. After the ECs are finalized, the next step will be to record the ECs after obtaining all the grantee signatures.

D. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule

The City’s legal team continued to work on the environmental covenants and with the goal of accomplishing the task by the extended deadline of July 30, 2019.

E. All raw data (including laboratory analyses) received by Defendants during the past quarter and an identification of the source of the sample

The second round of groundwater compliance monitoring (YR-1) was conducted per the CMP Table 3; sampling results provided to Ecology when available

Table 3-1B
Sampling Approach – Ground Water
SUBSEQUENT ROUNDS

Sample type	Sampling location	Sampling Frequency / Rationale	Analytes
Petroleum hydrocarbons – Ground Water			
Point of Compliance	BPMW-6 BPMW-2R* BC-10	Quarterly for two years, then modify based on results and consultation with Ecology Duration: 5 years BC-10 will be monitored for two quarters to confirm compliance, if results exceed cleanup levels, monitoring will be the same as other wells.	Total petroleum hydrocarbons, diesel and oil range TPH-D, TPH-O, nitrate, manganese (soluble), sulfate, methane, alkalinity. Field parameters: dissolved oxygen, redox potential, pH, conductivity, temperature, ferrous iron
Petroleum hydrocarbons – Storm Water			
1 sample upgradient of Site, 2 samples on Site	See Figure 2	One time event	Total petroleum hydrocarbons, gasoline, diesel and oil range, BTEX TPH-G/BTEX, TPH-D, TPH-O, HVOCS
Arsenic – Ground Water			
Point of compliance	BPMW-1 BPMW-6 BC-10 BC-11	Same as petroleum hydrocarbon, but with additional quarterly monitoring for two years if TPH decreases to be in compliance** BC-10 will be monitored for two quarters to confirm compliance, if results exceed cleanup levels, monitoring will be the same as other wells.	Total Arsenic Dissolved Arsenic Field parameters

* BPMW-2R is a replacement well to be installed 30 to 35 feet northwest of BPMW-2, which was located in the middle of the newly constructed Horse Creek and therefore decommissioned.

- F. A list of deliverables for the upcoming quarter if different from the schedule.
 Same as the schedule

EXHIBIT D

**Bothell Paint & Decorating Facility
 Schedule of Deliverables**

<u>Deliverables.</u>	<u>Due Date</u>
Draft Institutional Control (IC) Plan; Draft Environmental Covenant(s); and a Title Report	Within 120 days after the effective date of the Agreed Order
Final IC Plan and Final Environmental Covenant(s)	Within 30 days of receipt of Ecology comments on the Draft IC Plan and Draft Environmental Covenant(s).
Record Final Environmental Covenant(s) with King County Auditor	Within 5 days after Ecology's approval of the Final IC Plan or Ecology's signature as grantee of the Final Environmental Covenant(s), whichever occurs last.
Start ground water monitoring	Within 90 days after final CAP is approved
Combined TPH/MNA/Arsenic ground water monitoring	Quarterly for two years, then modify based on results and consultation with Ecology Duration: 5 years unless a different action is triggered by the decision tree shown in table 1 of the dCAP
Combined TPH/MNA/Arsenic ground water monitoring reports	90 days after 4 th quarter sampling Annually for a minimum of 5 years unless a different action is triggered by the decision tree shown in table 1 of the dCAP
Progress reports	Every 3 months unless Ecology authorizes less frequent reporting

Site Name:	BOTHELL HERTZ
Agreed Oder No.:	15747 (Effective date May 31, 2018)

A. A list of on-site activities that have taken place during this quarter

The following on-site activity has occurred this quarter: Groundwater compliance monitoring for the winter quarter was performed in March 2019. Sampling results were submitted to the Site manager under separate cover.

B. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests

There have been no deviations this quarter

C. Description of all deviations from the Schedule (Exhibit D) during the current quarter and any planned deviations in the upcoming quarter

There has been a deviation in the schedule this quarter with regard to

- i. Sampling activity for winter quarter – this was initially pushed out to February but heavy snow storms caused further delays and the sampling was conducted in March 2019 - see emails attached. The consultant also proposed an overall schedule showing the anticipated quarterly monitoring dates for the first year of compliance monitoring.
- ii. Finalizing the Environmental Covenants (ECs) for the site – the City’s consultant attorney sent the revised EC packages to AAG on February 26th. According to the deliverables schedule, the Final ECs were due 30 days after receiving Ecology’s comments which were provided on October 30th at a meeting with the respective staff and counsel at City offices. After discussions with the AG’s office, on December 24th the City’s legal team requested a time extension to continue working on the ECs along with continued coordination with Ecology’s legal team/AG office. In January, the city’s legal team sent a spreadsheet containing all the easements pertaining to this and other sites Ecology’s site manager. On January 11, the Ecology site manager approved a three month extension of the schedule to finalize the environmental covenant for the site; the new due date was March 1. A second extension request through the end of July was granted on March 6, 2019 to allow for reviews, continued coordination and finalizing the ECs. After the ECs are finalized, the next step will be to record the ECs after obtaining all the grantee signatures.

D. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule

The City’s legal team continued to work on the environmental covenants and with the goal of accomplishing the task by the extended deadline of July 30, 2019.

E. All raw data (including laboratory analyses) received by Defendants during the past quarter and an identification of the source of the sample

The second round of groundwater compliance monitoring (YR-1) was conducted per the CMP Table 3-1B; sampling results provided to Ecology when available.

**Table 3-1B
Sampling Approach – Ground Water
SUBSEQUENT ROUNDS**

Sample type	Sampling location	Sampling Frequency / Rationale	Analytes
Petroleum hydrocarbons – Ground Water			
Point of Compliance	HZMW-19 BLMW-8 BC-16	Quarterly for two years, then modify based on results and consultation with Ecology Duration: 5 years	Total petroleum hydrocarbons, diesel and oil range TPH-D, TPH-O, nitrate, manganese (soluble), sulfate, methane, alkalinity. Field parameters: dissolved oxygen, redox potential, pH, conductivity, temperature, ferrous iron
Arsenic – Ground Water			
Point of compliance	HZMW-1 HZMW-4 HZMW-12 HZMW-17 BC-16	Same as petroleum hydrocarbon, but with additional quarterly monitoring for two years if TPH decreases to be in compliance** BC-10 will be monitored for two quarters to confirm compliance, if results exceed cleanup levels, monitoring will be the same as other wells.	Total Arsenic Dissolved Arsenic Field parameters

F. A list of deliverables for the upcoming quarter if different from the schedule.

Same as the schedule

EXHIBIT D

**Bothell Former Hertz Facility
Schedule of Deliverables**

<u>Deliverables.</u>	<u>Due Date</u>
Draft Institutional Control (IC) Plan; Draft Environmental Covenant(s); and a Title Report	Within 120 days after the effective date of the Agreed Order
Final IC Plan and Final Environmental Covenant(s)	Within 30 days of receipt of Ecology comments on the Draft IC Plan and Draft Environmental Covenant(s).
Record Final Environmental Covenant(s) with King County Auditor	Within 5 days after Ecology's approval of the Final IC Plan or Ecology's signature as grantee of the Final Environmental Covenant(s), whichever occurs last.
Start ground water monitoring	Within 90 days after final CAP is approved
Combined TPH/MNA/Arsenic ground water monitoring	Quarterly for two years, then modify based on results and consultation with Ecology Duration: 5 years unless a different action is triggered by the decision tree shown in table 1 of the dCAP
Combined TPH/MNA/Arsenic ground water monitoring reports	90 days after 4 th quarter sampling Annually for a minimum of 5 years unless a different action is triggered by the decision tree shown in table 1 of the dCAP
Progress reports	Every 3 months unless Ecology authorizes less frequent reporting

From: [Cruz, Jerome \(ECY\)](#)
To: [John Kane](#); [Jeff Jensen](#); [Nduta Mbuthia](#)
Cc: [Wang, Ching-Pi \(ECY\)](#)
Subject: [EXTERNAL] RE: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule
Date: Friday, February 8, 2019 9:55:30 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

"

That sounds correct.

Thanks John.



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: John Kane [mailto:jkane@kane-environmental.com]
Sent: Friday, February 8, 2019 9:32 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Jeff Jensen <Jeff@kane-environmental.com>; Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>
Cc: Wang, Ching-Pi (ECY) <CWAN461@ECY.WA.GOV>
Subject: Re: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule

Jerome:

To followup on the previous email, we also agreed during the meeting regarding the Subsequent Rounds for compliance groundwater sampling that VOCs will not be analyzed for the Hertz site since the well, HZ-MW-1, is included in the Bothell Service Center Simon & Sons groundwater monitoring.

We also agreed to keep the analyses for Naphthalene, 1-Methylnaphthalene, and 2-Methyl naphthalene for well BL-MW-12 at the Landing Site since we had detectable concentrations of these constituents above their MTCA Cleanup Levels.

The other two wells for Landing, MW-1 and BL-MW-11 had non-detectable concentrations of Naphthalene, 1-Methylnaphthalene, and 2-Methyl naphthalene, so we will not include the analyses for these two wells.

John

John Kane, CEO/President
Kane Environmental, Inc.
Environmental Issues. Business Solutions.
4015 13th Avenue West
Seattle, WA 98119

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Toll Free 1-844-529-KANE
jkane@kane-environmental.com
www.kane-environmental.com

Seattle, WA | Tacoma, WA | Phoenix, AZ | Nationwide Services

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Friday, February 8, 2019 8:53 AM
To: John Kane; Jeff Jensen; Nduta Mbuthia
Cc: Wang, Ching-Pi (ECY)
Subject: RE: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule

Hi John,
Thanks for the update. I heard snow will continue next week, so let's stay in contact.
Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: John Kane [<mailto:jkane@kane-environmental.com>]
Sent: Friday, February 8, 2019 8:49 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Jeff Jensen <Jeff@kane-environmental.com>; Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>
Cc: Wang, Ching-Pi (ECY) <CWAN461@ECY.WA.GOV>
Subject: Re: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring

From: [Cruz, Jerome \(ECY\)](#)
To: [Nduta Mbutia](#)
Cc: [Anderson, Ivy \(ATG\)](#); [Wang, Ching-Pi \(ECY\)](#); [Trueblood, Craig](#)
Subject: RE: ECs - RE: [EXTERNAL] consultant for three Bothell sites (landing, Paint , Hertz)
Date: Friday, January 11, 2019 9:00:32 AM

Hi Nduta,

I've decided it's in everyone's interest to proceed with granting the three month extension. Please consider this email as Ecology's concurrence to the request. The new due date for the Bothell Landing, Bothell Former Hertz, and Bothell Paint & Decorating environmental covenants is March 1, 2019.

Thanks,
Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Nduta Mbutia [mailto:Nduta.Mbutia@bothellwa.gov]
Sent: Friday, January 11, 2019 8:44 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Subject: ECs - RE: [EXTERNAL] consultant for three Bothell sites (landing, Paint , Hertz)

Hi Jerome,
Just checking to see if you had a chance to talk to the AAG, and if the extension request was granted? Thanks
Nduta

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Thursday, January 3, 2019 8:44 AM
To: Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>
Cc: Becker, Sunny (ECY) <HLIN461@ECY.WA.GOV>; Gordon, Lyndsay (ECY) <LGOR461@ECY.WA.GOV>
Subject: RE: [EXTERNAL] consultant for three Bothell sites (landing, Paint , Hertz)

Thanks Nduta, I'll contact Ivy to follow up.
Jerome

From: [Cruz, Jerome \(ECY\)](#)
To: [Nduta Mbutia](#)
Cc: [Tebeau, Kara \(ATG\)](#); [Wang, Ching-Pi \(ECY\)](#); [Warren, Bob \(ECY\)](#); [Anderson, Ivy \(ATG\)](#)
Subject: RE: [EXTERNAL] RE: Hertz/Paint/Landing Covenants
Date: Wednesday, March 6, 2019 8:21:34 AM

Hi Nduta,
Ecology concurs with the request for an extension to July 30, 2019.
Thanks,
Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Nduta Mbutia [mailto:Nduta.Mbutia@bothellwa.gov]
Sent: Monday, March 4, 2019 3:34 PM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Cc: Tebeau, Kara (ATG) <KaraT@ATG.WA.GOV>
Subject: RE: [EXTERNAL] RE: Hertz/Paint/Landing Covenants

Hi Jerome,
Sounds good. Absolutely... that's ok with me.

I have attached a couple of maps to put things in context – after the survey exercise it boiled down to 3 easements that overlapped with the IC areas; two that are in the process of being terminated, and one that PSE will need to sign on the Landing EC.

I don't know how long such processes take, but perhaps a new end date of July 30th would be reasonable? Thanks

Nduta

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Monday, March 4, 2019 3:27 PM
To: Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>
Cc: Tebeau, Kara (ATG) <KaraT@ATG.WA.GOV>
Subject: RE: [EXTERNAL] RE: Hertz/Paint/Landing Covenants

Hi Nduta,
If our AGs are OK with it, I am, too.
I have a conference call with Kara tomorrow. Would it be OK if I consult with her first?

Jerome



Jerome B. Cruz, Ph.D.

Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008

Tel: (425) 649-7094 Fax: (425) 649-7098

Jerome.Cruz@ecy.wa.gov

<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Nduta Mbutia [<mailto:Nduta.Mbutia@bothellwa.gov>]

Sent: Monday, March 4, 2019 3:24 PM

To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>

Subject: RE: [EXTERNAL] RE: Hertz/Paint/Landing Covenants

Hi Jerome,

The city's consultant attorneys are asking for another time extension for the covenants – below is an excerpt with the description/rationale:

We do not need to terminate the other two easements before recording the covenants, but it would be prudent to ask for a deadline extension - Hertz and Paint to allow for the AGs' review, and Landing to allow for review by the AGs and possible revision by PSE.

What are your thoughts on this request?

Thanks

Nduta

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>

Sent: Wednesday, February 27, 2019 2:09 PM

To: Tebeau, Kara (ATG) <KaraT@ATG.WA.GOV>

Cc: Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>

Subject: FW: [EXTERNAL] RE: Hertz/Paint/Landing Covenants

Hi Kara,

Looping you into Ivy's message, if you haven't been informed already!

Thanks,

Jerome



Jerome B. Cruz, Ph.D.

Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008

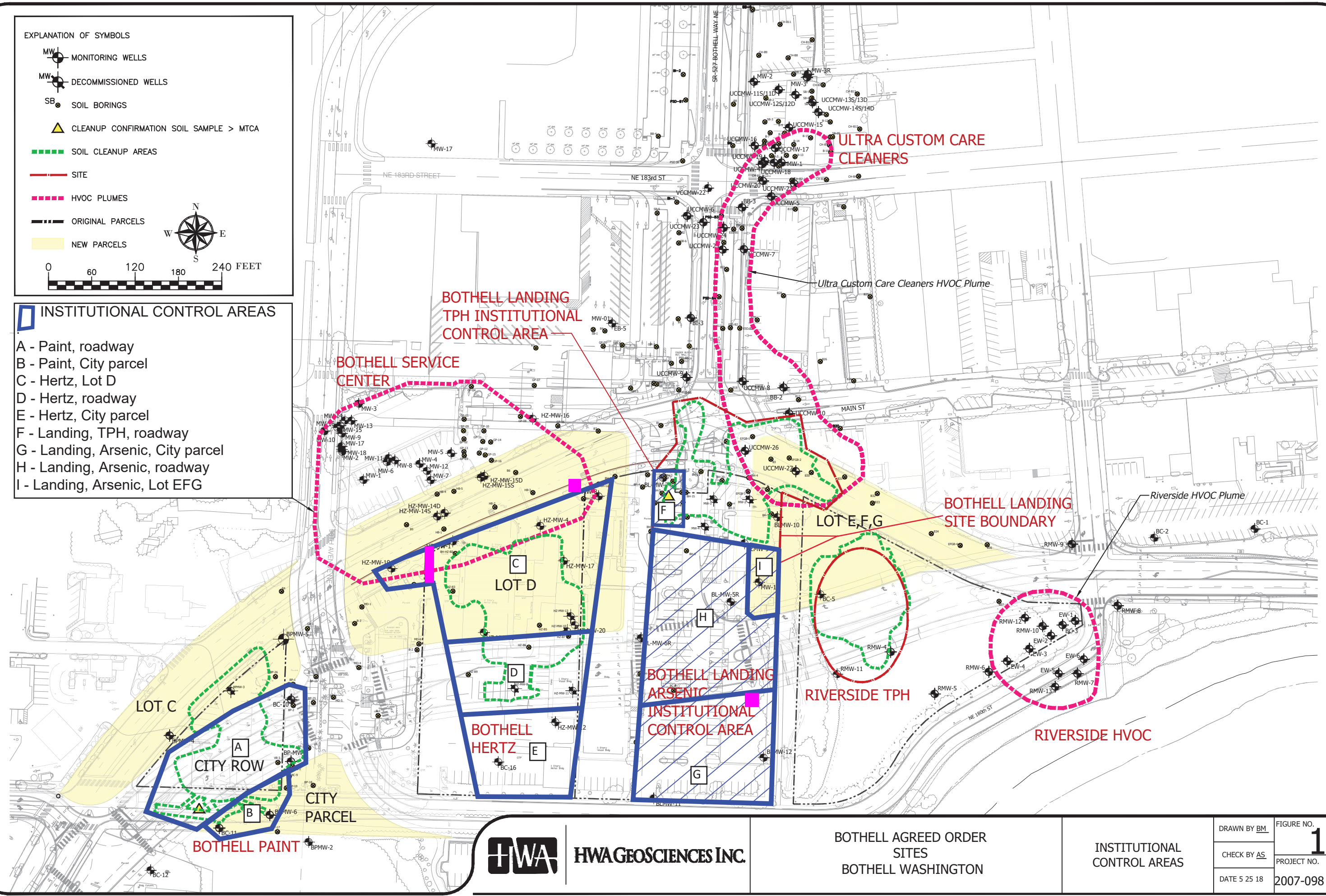
Tel: (425) 649-7094 Fax: (425) 649-7098

EXPLANATION OF SYMBOLS

- MW MONITORING WELLS
- MW DECOMMISSIONED WELLS
- SB SOIL BORINGS
- CLEANUP CONFIRMATION SOIL SAMPLE > MTCA
- SOIL CLEANUP AREAS
- SITE
- HVOC PLUMES
- ORIGINAL PARCELS
- NEW PARCELS



- INSTITUTIONAL CONTROL AREAS
- A - Paint, roadway
 - B - Paint, City parcel
 - C - Hertz, Lot D
 - D - Hertz, roadway
 - E - Hertz, City parcel
 - F - Landing, TPH, roadway
 - G - Landing, Arsenic, City parcel
 - H - Landing, Arsenic, roadway
 - I - Landing, Arsenic, Lot EFG



HWAGEOSCIENCES INC.

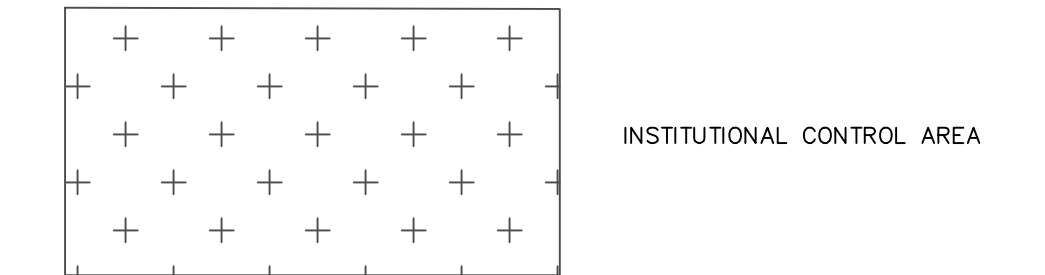
BOTHELL AGREED ORDER
SITES
BOTHELL WASHINGTON

INSTITUTIONAL
CONTROL AREAS

DRAWN BY <u>BM</u>	FIGURE NO. 1
CHECK BY <u>AS</u>	PROJECT NO.
DATE 5 25 18	2007-098 T2020

LEGEND

	CENTER LINES
	PROPERTY LINES
	RIGHT-OF-WAY LINES
	HISTORIC LOT LINES
	EASEMENT LINES
	GIS LOT LINES



NOTES:

PARCEL LINES SHOWN HEREON ARE PER AFN 20150506900004

HISTORIC LOT LINES SHOWN HEREON ARE PER INDICATED RECORD

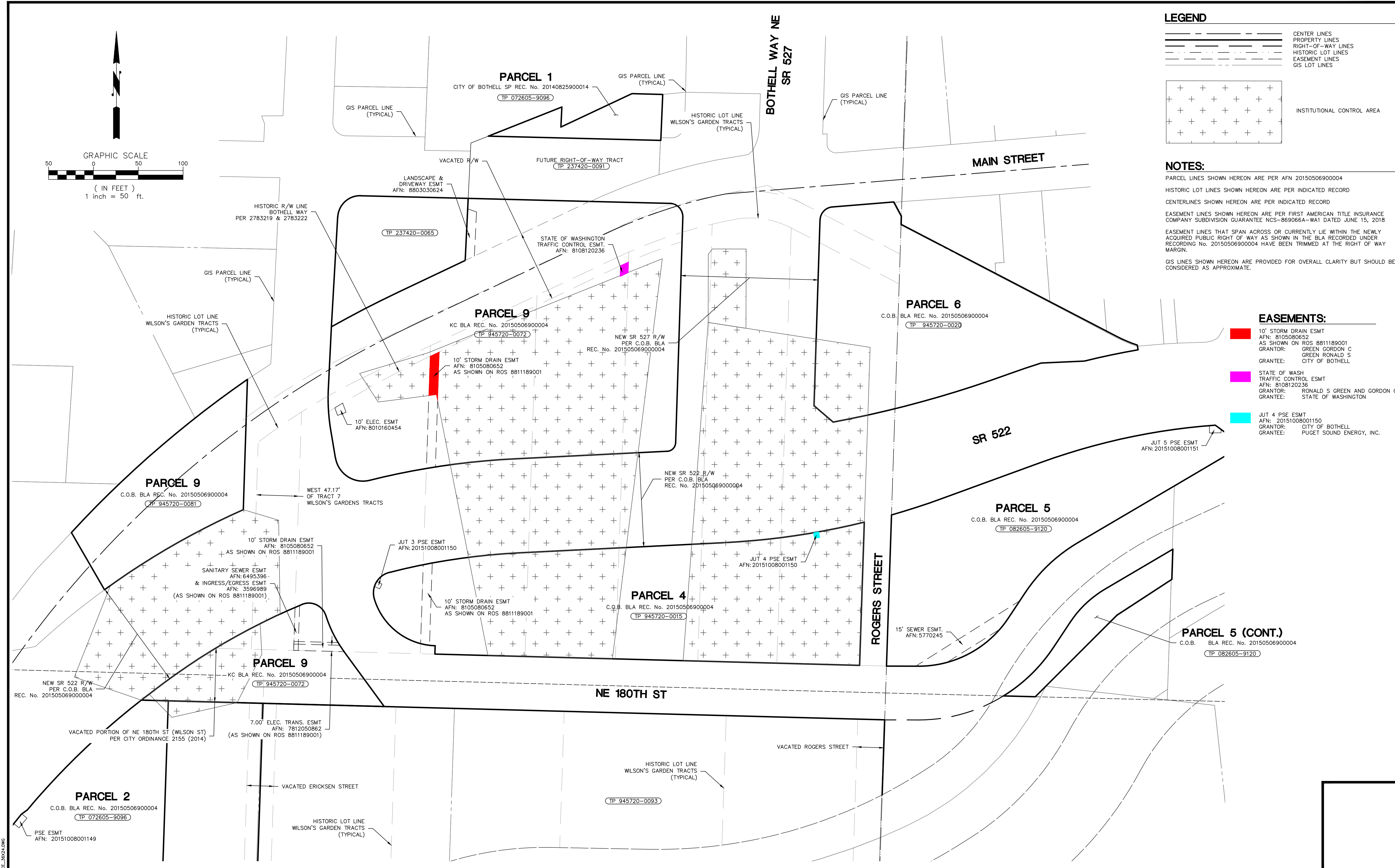
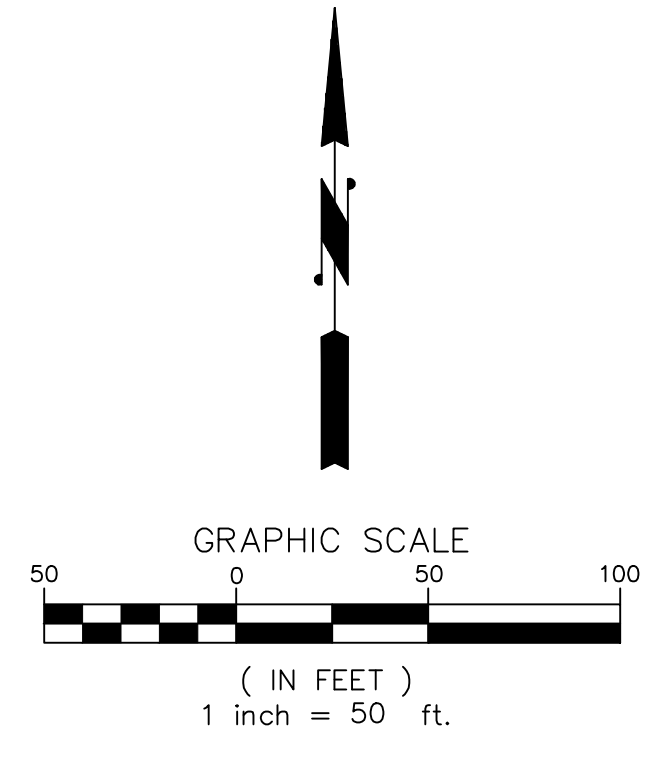
CENTERLINES SHOWN HEREON ARE PER INDICATED RECORD

EASEMENT LINES SHOWN HEREON ARE PER FIRST AMERICAN TITLE INSURANCE COMPANY SUBDIVISION GUARANTEE NCS-869066A-WA1 DATED JUNE 15, 2018

EASEMENT LINES THAT SPAN ACROSS OR CURRENTLY LIE WITHIN THE NEWLY ACQUIRED PUBLIC RIGHT OF WAY AS SHOWN IN THE BLA RECORDED UNDER RECORDING No. 20150506900004 HAVE BEEN TRIMMED AT THE RIGHT OF WAY MARGIN.

GIS LINES SHOWN HEREON ARE PROVIDED FOR OVERALL CLARITY BUT SHOULD BE CONSIDERED AS APPROXIMATE.

- EASEMENTS:**
- 10' STORM DRAIN ESMT
AFN: 8105080652
AS SHOWN ON ROS 881189001
GRANTOR: GREEN GORDON C
GREEN RONALD S
CITY OF BOTHELL
GRANTEE:
 - STATE OF WASH
TRAFFIC CONTROL ESMT
AFN: 8108120236
GRANTOR: RONALD S GREEN AND GORDON C GREEN
GRANTEE: STATE OF WASHINGTON
 - JUL 4 PSE ESMT
AFN: 20151008001150
GRANTOR: CITY OF BOTHELL
GRANTEE: PUGET SOUND ENERGY, INC.



FILE NAME: P:\P1810101\PARCEL MAP\CAD\SURVEY\CAD_2018\RES\VT1810101-BNDY.DWG
 USER: JFS
 DATE: 2/26/2019 2:30:39 PM
 PLOT TIME: 2/26/2019 2:30:39 PM
 USER NAME: DAVID FULTON
 PLOT FILES: SURVEY_P1810101-3624.DWG

CAD/CALC	JFS								
DRAWN	JFS								
PLAT	CHK	DRF							
SYM		REVISION		DATE	BY	APP'D			

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Kirkland, WA 98033
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DATE	2/26/2019
SCALE	1"=50'
SURVEY TEAM	-
FIELD BOOK	-
DWG FILE	V19106.01-BNDY

PARCELS AND INSTITUTIONAL CONTROL AREAS
FOR
CITY OF BOTHELL

PROJECT NO.	19106.01
SHEET	1 OF 1

Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Nduta Mbutia [<mailto:Nduta.Mbutia@bothellwa.gov>]
Sent: Wednesday, February 27, 2019 8:05 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Subject: RE: [EXTERNAL] RE: Hertz/Paint/Landing Covenants

FYI – attached
.....looping you in on the legal stuff, Jerome

From: Anderson, Ivy (ATG) <IvyA@ATG.WA.GOV>
Sent: Wednesday, January 30, 2019 11:26 AM
To: 'Quasius, Marie E.' <Marie.Quasius@klgates.com>; Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Cc: Trueblood, Craig <craig.trueblood@klgates.com>; Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>
Subject: [EXTERNAL] RE: Hertz/Paint/Landing Covenants

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"
Hi Marie –

Thanks for the summary. Jerome and I went over the list and agree with your recap. I don't anticipate any delays – the City can move forward with the survey. Feel free to give me or Jerome a call if any questions come up as you move on with the review.

Ivy

Ivy Anderson
Assistant Attorney General
Office of the Attorney General
Ecology Division
(360) 586-4619
ivya@atg.wa.gov

Please save paper by printing only when necessary.

From: Quasius, Marie E. <Marie.Quasius@klgates.com>
Sent: Monday, January 28, 2019 1:50 PM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Anderson, Ivy (ATG) <IvyA@ATG.WA.GOV>
Cc: Trueblood, Craig <craig.trueblood@klgates.com>; 'Nduta.Mbutia@bothellwa.gov' <Nduta.Mbutia@bothellwa.gov>
Subject: Hertz/Paint/Landing Covenants

Jerome and Ivy,

Thanks so much for the call on Friday. As promised, I've provided a quick recap of our conversation with document numbers to allow you to confirm that the City will not need to subordinate these encumbrances. Please let us know if you anticipate any delays or have any questions, as the City's surveyor is on stand-by until we have a final list.

There are several categories of encumbrance which do not require subordination:

- Boundary Line Adjustments/Plats (Nos. 8, 24, 32, 33, 34, 38) - These merely move the boundary line for a parcel and do not represent an interest in real estate that needs to be subordinated.
- Surveys (Nos. 26, 28) - These are a snapshot of a property's boundary lines and encumbrances at a given point in time and do not represent an interest in real estate that needs to be subordinated.
- Release of Claims (No. 12, 14, 15, 16, 17) - These documents allowed the disposal of dredged material from the Sammamish River improvement project and any vegetation control necessary for that purpose and released King County from flooding-related claims by the City, but do not authorize construction, excavation, etc. (Note: Nos. 12, 16, and 17 are difficult to read but appear to include terms similar to 14 and 15.)
- Easements for driveway, access, and landscaping between the former Bothell Service Center and Wexler properties (Nos. 25, 27) - The City owns both properties and plans to terminate these easements. There is no need to subordinate if termination will happen in the short-term and no need to defer execution and recording of the environmental covenants pending termination of these easements.
- Environmental Covenant for the Landing Site (No. 29) - This covenant will be terminated as part of executing and recording the new covenant.

There are also a handful of encumbrances which by their terms are unlikely to require subordination:

- No. 45 - This is a quit claim deed conveying title to a parcel and an access easement ("all rights of ingress and egress...to, from, and between... Highway No. 2, Bothell to Woodinville, and the [parcel conveyed in fee]"). The grantee does not have any rights that would impact IC area (e.g., construct, repair, replace any infrastructure) so the City does not need to subordinate.
- No. 9, 11, 13 - These documents are flooding easements for the Sammamish River Improvement Project. Because the Hertz, Paint, and Landing Sites do not have riverfront access, we do not expect that work on the flood control and bank protection devices

contemplated in the easement would impact the Institutional Covenant areas. If these easements only affect land outside of the Hertz, Paint, and Landing Site boundaries, they do not need to be subordinated.

- No. 22 (Deed of Use for Recreation) - This document references limitations on activities that would prevent outdoor recreation as per the terms of an agreement. There is no need to survey/subordinate if the terms of that agreement and the covenants are consistent, but the City should provide notice of the covenant's restrictions.
- No. 35 (USACE Mitigation Notice) - This document references restrictions on activities at two mitigation sites. The US Army Corps of Engineers' regulations require notice for a conveyance of real property interest, which includes environmental covenants. So long as the applicable terms are consistent with the covenants, notice is sufficient and there is no need to subordinate.

K&L GATES

Marie E. Quasius

Attorney

K&L Gates LLP

925 4th Avenue, Suite 2900

Seattle, WA 98104

Phone: 206-370-8195

Fax: 206-370-6122

Marie.Quasius@klgates.com

www.klgates.com

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From: [Cruz, Jerome \(ECY\)](#)
To: [John Kane](#)
Cc: [Nduta Mbutia](#); [Wang, Ching-Pi \(ECY\)](#)
Subject: [EXTERNAL] RE: Kane Environmental - Compliance Sampling Schedule for Hertz-Landing -Paint
Date: Tuesday, March 26, 2019 10:11:39 AM
Attachments: [AO\(rev\) Progress Report Dec 2018 - L.P.H - OPR3.pdf](#)

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"

Hi John and Nduta,

I reviewed the proposed schedule letter and progress of the Landing, Paint and Hertz sites and have a few questions.

- Attached progress report says Winter sampling was to occur in January, yet the schedule letter says it was completed in March. Why was this delayed? Is winter sampling the second round of compliance monitoring?
- Attached report also says an end of the year report was to be submitted as part of the compliance monitoring reporting. I can't find any in my files.
- What do you consider as the first round of sampling? Winter 2019? My records say the first round occurred on Sept. 6, 2018 (Hertz and Landing), and Nov. 20, 2018 (Paint). Also, if you consider March 9, 2019 as a quarter of monitoring, the next round proposed on April-22-May, 2019, seems too soon.
- Winter 2019 dates seem too soon after Fall 2018 (Oct, then December is less than a quarter).
- What about Horse Creek sampling at the Paint site as required in the Paint CMP? When will this be done or has this been done?
- First round of results (Sept-Nov 2018): Why is redox potential or ORP not reported as required in the XCMP for the three sites? If omitted, please include this measurement in the compliance sampling program. Also, the tables submitted say Draft on them. Were the data validated by the analytical lab? Can you include the analytical reports in the submissions?
- I would like to know if Kane Environmental will offer some interpretation and/or discussion on the results to account for the persistent high arsenic in groundwater. I would like to know if they expect this to be Ecology's scope of work.

I will study the other letter for BSCSS and get back to you on it.

Thanks,

Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008

Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: John Kane [mailto:jkane@kane-environmental.com]
Sent: Thursday, March 21, 2019 11:50 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Cc: Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>; John Kane <jkane@kane-environmental.com>
Subject: Kane Environmental - Compliance Sampling Schedule for Hertz-Landing -Paint

Jerome:

Attached is a one-page letter providing the compliance sampling dates for Hertz, Landing, and Paint. Please review and let me know that you approve of the schedule.

Thank you.

John

John Kane, CEO/President
Kane Environmental, Inc.
Environmental Issues. Business Solutions.
4015 13th Avenue West
Seattle, WA 98119

Tel 206-691-0476 Cell 206-715-2779
Toll Free 1-844-529-KANE
jkane@kane-environmental.com
www.kane-environmental.com

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SEATTLE • PHOENIX

March 21, 2019

Ms. Nduta Mbuthia
Senior Capital Project Engineer
City of Bothell
nduta.mbuthia@bothellwa.gov
(425) 806-6829

Dear Ms. Mbuthia:

Thank you for contacting Kane Environmental for your environmental service needs. Kane Environmental proposes to perform the following:

Service:	Groundwater Compliance Monitoring Sampling
Subject Property:	2019 SAMPLING SCHEDULE – Hertz, Landing & Paint
	Groundwater Compliance Monitoring
	Bothell, WA 98011

Winter 2019 Completed March 9, 2019

Spring 2019 April 22-May 6, 2019
Summer 2019 July 15-August 5, 2019
Fall 2019 October 7-25, 2019
Winter 2019 December 9-31, 2019

Sincerely,
KANE ENVIRONMENTAL, INC.



John Kane
CEO / President

4015 13th Ave West • Seattle, WA 98119
Mailing: PO Box 31936 Seattle WA 98103
Office (206) 691 0476 • Fax (206) 675 0650
www.kane-environmental.com

From: [John Kane](#)
To: [Cruz, Jerome \(ECY\)](#)
Cc: [Nduta Mbuthia](#); [Wang, Ching-Pi \(ECY\)](#); [Jeff Jensen](#); [John Kane](#)
Subject: [EXTERNAL] Kane Environmental Compliance Sampling Schedule for Hertz-Landing -Paint
Date: Wednesday, March 27, 2019 1:10:42 PM
Attachments: [\[EXTERNAL\] RE - GW Data QTR1_YR1 - Paint, Landing, Hertz.eml](#)
[2019-02-08 - Email JC.pdf](#)

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"

Jerome,

We have addressed your comments in red below:

- Attached progress report says Winter sampling was to occur in January, yet the schedule letter says it was completed in March. Why was this delayed? Is winter sampling the second round of compliance monitoring?

Per the email exchange between me (John Kane) and yourself on Friday February 8, 2019, sampling was to be conducted in February (See attached). Unfortunately the snow prevented us from starting when we had originally planned (2/11/19). Additionally, per my notes on the meeting between John Kane, Ching Pi, and yourself on February 1, 2019, groundwater sampling around the ERH system at the BSCSS site was to occur before the Paint, Hertz, and Landing sampling event. This, coupled with the bad weather, pushed the sampling into early March. Sampling in March represents the Winter 2019 Quarter especially due to the amount of snow and rain during mid to late February 2019.

- Attached report also says an end of the year report was to be submitted as part of the compliance monitoring reporting. I can't find any in my files.

Attached email correspondence from 10/26 & 10/29 between yourself and Nduta which discusses this point.

- What do you consider as the first round of sampling? Winter 2019? My records say the first round occurred on Sept. 6, 2018 (Hertz and Landing), and Nov. 20, 2018 (Paint). Also, if you consider March 9, 2019 as a quarter of monitoring, the next round proposed on April-22-May, 2019, seems too soon.

Winter 2019 is considered the first Quarter of Quarterly Monitoring. The first groundwater sampling event (in September and November 2018) was considered the “Initial Round”. We can push the second Quarter to the weeks of May 20, 2019 – June 3, 2019. The goal of the sampling schedule is meant to encompass all groundwater monitoring at the BSCSS, and the Paint, Hertz, and Landing sites. How does this look?:

- **Winter 2019:** March 5, 2019 – March 15, 2019
- **Spring 2019:** May 20, 2019 – June 3, 2019
- **Summer 2019:** July 15, 2019 - August 5, 2019
- **Fall 2019:** October 7, 2019 – October 25, 2019
- **Winter 2020:** January 6, 2020 – January 20, 2020

- Winter 2019 dates seem too soon after Fall 2018 (Oct, then December is less than a quarter).

Please see the amended proposed schedule above.

- What about Horse Creek sampling at the Paint site as required in the Paint CMP? When will this be done or has this been done?

The surface water sampling in Horse Creek was conducted in March as a part of the Winter Quarter sampling event.

- First round of results (Sept-Nov 2018): Why is redox potential or ORP not reported as required in the XCMP for the three sites? If omitted, please include this measurement in the compliance sampling program. Also, the tables submitted say Draft on them. Were the data validated by the analytical lab? Can you include the analytical reports in the submissions?

We have always collected redox potential and ORP (along with the other required field parameters). I will be sure the field parameter data is included in all future tables. The original tables were submitted for review as a draft just in case requests to alter the formatting were

made. The “Draft” mark can be removed. All data was reviewed and validated by the analytical laboratory. I will be sure that Nduta gets all of the laboratory analytical reports to include in the submissions.

- I would like to know if Kane Environmental will offer some interpretation and/or discussion on the results to account for the persistent high arsenic in groundwater. I would like to know if they expect this to be Ecology’s scope of work.

We would prefer to hold off on making any interpretations or discussions on the data until we have completed more quarterly monitoring events and collected more data.

Let us know if you have any additional comments or questions.

John Kane, CEO/President

Kane Environmental, Inc.

Environmental Issues. Business Solutions.

4015 13th Avenue West

Seattle, WA 98119

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Jeff Jensen

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Friday, February 8, 2019 8:54 AM
To: John Kane; Jeff Jensen; Nduta Mbuthia
Cc: Wang, Ching-Pi (ECY)
Subject: RE: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule

Hi John,
Thanks for the update. I heard snow will continue next week, so let's stay in contact.
Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: John Kane [mailto:jkane@kane-environmental.com]
Sent: Friday, February 8, 2019 8:49 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Jeff Jensen <Jeff@kane-environmental.com>; Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>
Cc: Wang, Ching-Pi (ECY) <CWAN461@ECY.WA.GOV>
Subject: Re: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule

Jerome:

Following up on our meeting last week with you, me and Ching Pi at NWRO on Friday February 1, 2019, one of the items we discussed was Kane Environmental we would be doing the next round of Hertz, Landing and Paint compliance groundwater monitoring in February. The snow fall this week delayed us a week, but we are scheduled to start the Hertz, Landing and Paint compliance groundwater sampling next week, the week of February 11.

Thank you.

John

John Kane, CEO/President
Kane Environmental, Inc.

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From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>

Sent: Thursday, December 20, 2018 3:35 PM

To: John Kane; Jeff Jensen; Nduta Mbutia

Cc: Wang, Ching-Pi (ECY)

Subject: RE: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule

Sounds good. Thanks!

I will be off starting tomorrow and back to work Thursday Dec. 27.

Merry Christmas everyone!

Jerome



Jerome B. Cruz, Ph.D.

Toxics Cleanup Program, Northwest Regional Office

3190 - 160th SE Bellevue, WA 98008

Tel: (425) 649-7094 Fax: (425) 649-7098

Jerome.Cruz@ecy.wa.gov

<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: John Kane [<mailto:jkane@kane-environmental.com>]

Sent: Thursday, December 20, 2018 3:33 PM

To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Jeff Jensen <Jeff@kane-environmental.com>; Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>

Cc: Wang, Ching-Pi (ECY) <CWAN461@ECY.WA.GOV>; John Kane <jkane@kane-environmental.com>

Subject: Kane Environmental - Hertz, Landing Paint & Decorating compliance monitoring schedule

Jerome:

Yes I agree. December is too soon in regards to seasonal fluctuation. I think end of January will work, and we can check water levels in mid-January in some of the wells to ensure there is a difference compared to October/November.

Also agreed that we will follow the CMP for constituents to be analyzed.

Thank you for your quick response.

Regards,

John

John Kane, CEO/President
Kane Environmental, Inc.
Environmental Issues. Business Solutions.
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Seattle, WA 98103

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jkane@kane-environmental.com

www.kane-environmental.com

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From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Thursday, December 20, 2018 3:26 PM
To: John Kane; Jeff Jensen; Nduta Mbuthia
Cc: Wang, Ching-Pi (ECY)
Subject: RE: Paint & Decorating compliance monitoring

John,
Given the first round of sampling in November, what would you say is the best time for the succeeding quarters (up to 8) that fully/efficiently capture seasonal fluctuations in groundwater levels? December seems too soon.
Regarding the analytical suite, I think we should follow what's in the CMP. The recent larger suite was just to confirm conditions from the RI.
Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008

Tel: (425) 649-7094 Fax: (425) 649-7098

Jerome.Cruz@ecy.wa.gov

<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: John Kane [<mailto:jkane@kane-environmental.com>]

Sent: Thursday, December 20, 2018 2:38 PM

To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Jeff Jensen <Jeff@kane-environmental.com>; Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>

Cc: John Kane <jkane@kane-environmental.com>

Subject: Paint & Decorating compliance monitoring

Jerome:

Just a followup regarding Jeff's query. We can sample the Landing, Paint and Hertz wells next week to complete the sampling in December 2018. We want to be sure that we are following the compliance monitoring agreements, so we are not asking for an extension or change in the agreement. I thought that January would still be considered within the Winter quarter, but we want to confirm that with you .

Thanks.

John

John Kane, CEO/President

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From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>

Sent: Thursday, December 20, 2018 2:27:39 PM

To: Jeff Jensen; Nduta Mbuthia

Cc: John Kane

Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Thanks Jeff.

I'll get back to you on the winter quarter monitoring request.

Jerome



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Jeff Jensen [<mailto:Jeff@kane-environmental.com>]
Sent: Thursday, December 20, 2018 1:47 PM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>; Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>
Cc: John Kane <jkane@kane-environmental.com>
Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Jerome,

I have attached the analytical table for the Bothell Paint Site, along with an updated table for Bothell Hertz Site (which includes the data from the replacement well BLMW-8R).

I also wanted to confirm with you that it is acceptable to conduct our Winter Quarter of groundwater monitoring for all three sites in January, once you have had a chance to look over the data and confirm which analytes we are to proceed with in the following rounds of monitoring.

Thanks,

Jeff Jensen, Project Geologist
Kane Environmental, Inc. | Environmental Issues. Business Solutions.
PO Box 31936, Seattle WA 98103
Headquarters 4015 13th Avenue West, Seattle, WA 98119
Direct: 206-673-5731 Cell: 425-344-3707 Toll Free 1-844-529-KANE
Jeff@kane-environmental.com www.kane-environmental.com

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From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Thursday, December 20, 2018 9:07 AM
To: Jeff Jensen <Jeff@kane-environmental.com>; Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>
Cc: John Kane <jkane@kane-environmental.com>
Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Great! Thanks Jeff!



Jerome B. Cruz, Ph.D.

Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Jeff Jensen [<mailto:Jeff@kane-environmental.com>]
Sent: Thursday, December 20, 2018 9:06 AM
To: Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>; Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Cc: John Kane <jkane@kane-environmental.com>
Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Jerome,

I will forward you the data for the Paint wells later today.
Thanks,

Jeff Jensen, Project Geologist
Kane Environmental, Inc. | Environmental Issues. Business Solutions.
PO Box 31936, Seattle WA 98103
Headquarters 4015 13th Avenue West, Seattle, WA 98119
Direct: 206-673-5731 Cell: 425-344-3707 Toll Free 1-844-529-KANE
Jeff@kane-environmental.com www.kane-environmental.com

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From: Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>
Sent: Thursday, December 20, 2018 9:04 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Cc: John Kane <jkane@kane-environmental.com>; Jeff Jensen <Jeff@kane-environmental.com>
Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Jerome, I think I checked with you on this.... Exhibit C of the orders only requires a table to be submitted quarterly, and then a report at the end of the year. I believe you indicated that were ok with that? Please see correspondence attached. Would you like us to proceed differently?

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Thursday, December 20, 2018 8:59 AM
To: Nduta Mbuthia <Nduta.Mbuthia@bothellwa.gov>
Cc: John Kane <jkane@kane-environmental.com>; Jeff@kane-environmental.com
Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Thanks Nduta. Also, raw data was submitted. Should we expect a more formal submission as started in the progress reports?



Jerome B. Cruz, Ph.D.
Toxics Cleanup Program, Northwest Regional Office
3190 - 160th SE Bellevue, WA 98008
Tel: (425) 649-7094 Fax: (425) 649-7098
Jerome.Cruz@ecy.wa.gov
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

From: Nduta Mbutia [<mailto:Nduta.Mbutia@bothellwa.gov>]
Sent: Thursday, December 20, 2018 8:56 AM
To: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Cc: John Kane <jkane@kane-environmental.com>; Jeff@kane-environmental.com
Subject: RE: [EXTERNAL] Paint & Decorating compliance monitoring

Hi Jerome,

I will defer to John or Jeff to respond to your question and provide specific dates... we scheduled the performance monitoring for all three sites to occur at the same time, starting in September. However, as you recall there were two wells on Paint that needed to be replaced as they were missing or damaged by adjacent construction projects (we met out on site with you and Jeff to confirm final replacement locations)... these were recently replaced

John, respond to highlighted section below?

Thanks
Nduta

From: Cruz, Jerome (ECY) <JCRU461@ECY.WA.GOV>
Sent: Thursday, December 20, 2018 8:47 AM
To: Nduta Mbutia <Nduta.Mbutia@bothellwa.gov>
Cc: John Kane <jkane@kane-environmental.com>
Subject: [EXTERNAL] Paint & Decorating compliance monitoring

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"

Hi Nduta,
I need to report the status to Bob. Was the first round of compliance monitoring carried out and when was it? Did you submit the results? I have results for Landing and Hertz, but seem to be missing Paint.
Thanks,
Jerome