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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 18, 2021

Chi Tsung Pong
NBK, LLC
11010 NE 8th Street, Suite 465
Bellevue, WA 98004
(wenchupong@hotmail.com)

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

- **Site Name:** Eastside Disposal James Busse
- **Site Address:** 969 118th Ave SE, Bellevue, WA
- **Facility/Site No.:** 9271127
- **Cleanup Site IDs:** 7836
- **VCP Project No.:** NW3267

Dear Chi Tsung Pong:

The Washington State Department of Ecology (Ecology) received your request for an opinion on work planned for the Eastside Disposal James Busse facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

Issue Presented and Opinion

Does the proposed Work Plan (*Data Gaps Investigation Work Plan*, by TRC Environmental Corporation, dated August 2, 2021) meet the stated objectives with respect to Site data gaps?

YES. Ecology has determined that the proposed sampling work is adequate to investigate soil and groundwater conditions in the specified area.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline, diesel, and oil range hydrocarbons (TPHg, TPHd, TPHo), benzene, toluene, ethylbenzene, xylenes (BTEX), 1,2-dibromoethane (EDB), methyl tertiary butyl ether (MTBE), halogenated volatile organic compounds (HVOCs), and metals (arsenic, lead, barium, cadmium, chromium, mercury, silver, and selenium) into the Soil.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. TRC Environmental Corporation, *Data Gaps Investigation Work Plan*, August 2, 2021.
2. TRC Environmental Corporation, *Cleanup Action Report*, March 11, 2020.

Some of these documents are accessible in electronic form from the [Site Web page](#). The complete records are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Visit our [Public Records Request page](#) to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer by email at publicrecordsofficer@ecy.wa.gov or by phone at (360) 407-6040.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis and Opinion

Based on a review of the *Data Gaps Investigation Work Plan*, Ecology has determined:

- The former Eastside Disposal Property is 3.58 acres in size. The Property was first developed in 1959 and utilized as an operating base for garbage-collection service companies (Rabanco, Eastside Disposal, and Republic) until 2011. The operating base comprised office space, and facilities to fuel, repair, maintain, and clean a fleet of garbage trucks. Subsequently, the facilities and structures within the Property were demolished, and investigation and cleanup actions ensued.

- Given the locations and purposes of the facilities within the Property, and through the ongoing remedial investigation and cleanup actions, the contaminated soil within the Property was found to occur in two separate areas approximately 300 feet apart.
- One area of contamination is located at the eastern edge of the Property and is designated in reports as the “Main Building Site”. The other area of contamination is located at the western edge of the Property adjacent to Mercer Slough (a large urban wetland area), and is designated as the “Storage Building Site”. Ecology has identified these two separate areas of contamination within the Property by separate names and Cleanup Site ID numbers: The Main Building Site is “East Side Disposal James Busse” (CSID #7836) and the Storage Building Site is “East Side Disposal” (CSID #7835). See **Figure 2**. These two locations were on separate tax parcels at one time. The Property was initially comprised of three tax parcels that were later combined into one tax parcel (939970-3820) when the Property was purchased and redevelopment began during 2011.
- Soil contamination has been cleaned up at the Main Building Site by remedial excavation work. Contaminated soil was excavated to applicable Method A soil cleanup levels, and 1,400 cubic yards of contaminated soil were removed from the Property. Groundwater was not encountered at the depth of the excavation approximately 10 feet below ground surface (bgs). However, groundwater was encountered at 10 feet bgs at the Storage Building Site to the west (approximately 15 feet lower in elevation), and it is possible that groundwater is present at shallow depth beneath at the Main Building Site. Also, given the significant sources of contamination (three underground storage tanks and service bays with floor drains), and the high soil concentrations found at the Main Building Site, the groundwater at the Main Building Site should be evaluated.
- The purpose of the proposed sampling work is to determine if the Main Building Site and Storage Building Site are co-mingled via unknown soil contamination and/or a groundwater plume. Additionally, if groundwater is not impacted at the Main Building Site, that site could qualify for a No Further Action determination.
- The proposed sampling work consists of installing three monitoring wells and six direct-push borings in the area between the Main Building Site and the Storage Building Site. (See **Figure 2**). As presented in the *Data Gaps Investigation Work Plan*, locations and chemicals of concern appear to be adequate to determine if soil and/or groundwater contamination are present in this area. Also in particular, the plan would be expected to determine if a release to groundwater occurred at the Main Building Site and migrated to the west into the Storage Building Site.

- If there are detections in groundwater, then quarterly sampling will need to be done to understand the concentrations in time throughout the year. A minimum of four consecutive quarters of groundwater results demonstrating concentrations below MTCA Method A cleanup levels will then be required before the Main Building Site can be issued a No Further Action determination.
- If there are detections above Method A, then the releases from the former Main Building underground storage tanks and other Site activities may have impacted the Storage Building Site to the west. The groundwater contamination could be considered as a co-mingled plume with that Site and consequently, these two separate sites might need to be combined into one. The data collected during the Data Gaps Investigation will inform and guide the next steps in the cleanup process.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70A.305.170960.

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit [our website](#). If you have any questions about this opinion, please contact me by phone at (206) 594-0118 or by email at roger.nye@ecy.wa.gov.

Sincerely,

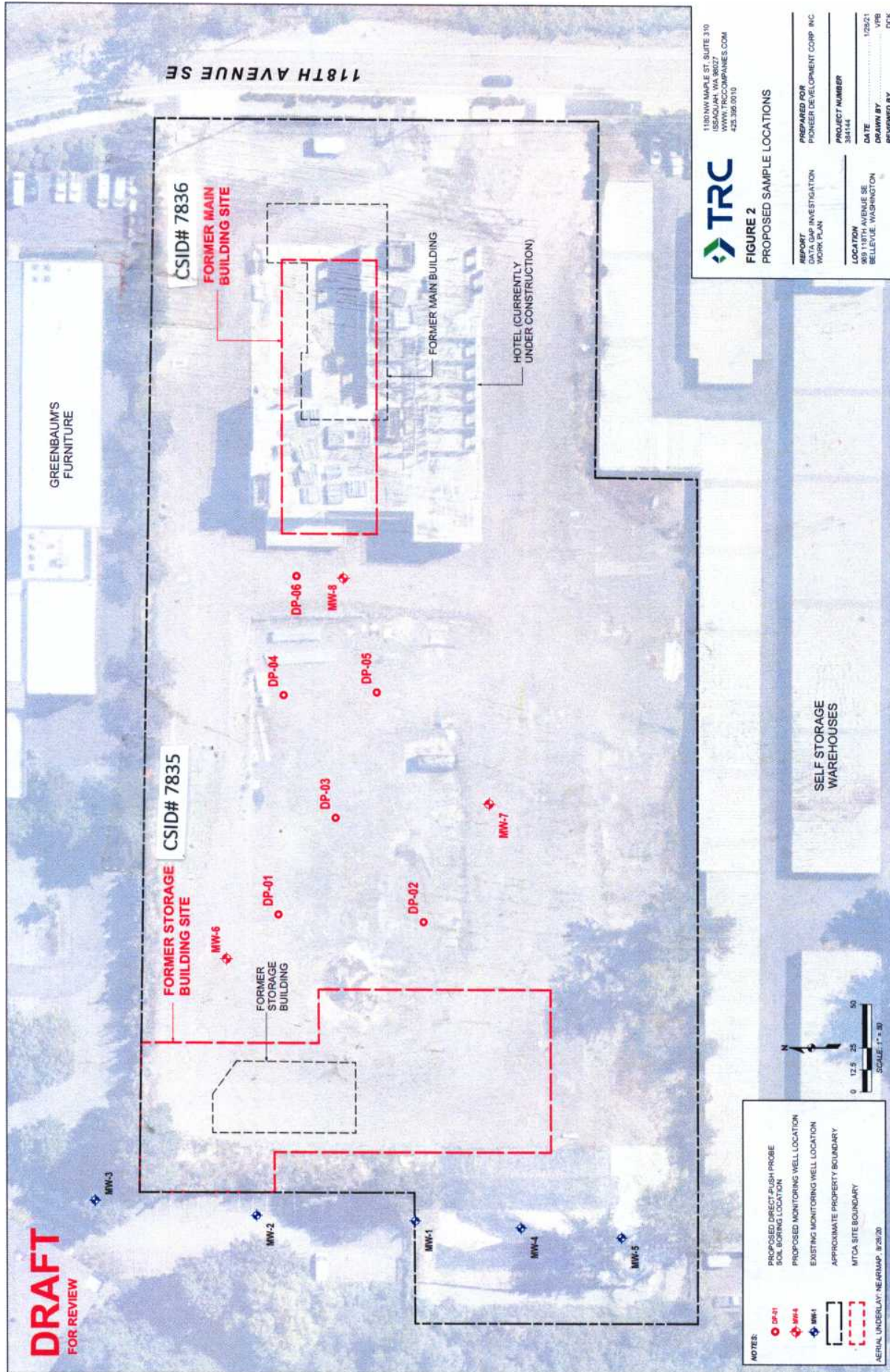
A handwritten signature in blue ink that reads "Roger K. Nye". The signature is written in a cursive style.

Roger K. Nye
Toxics Cleanup Program, NWRO

Enclosure (1): Figure 2 from *Data Gaps Investigation Work Plan*

cc: Douglas Kunkel, TRC Environmental Corporation (dkunkel@trccompanies.com)
Sonia Fernandez, Ecology (sonia.fernandez@ecy.wa.gov)

DRAFT
FOR REVIEW



- NOTES:**
- DP-01 PROPOSED DIRECT PUSH PROBE
 - MW-1 PROPOSED MONITORING WELL LOCATION
 - MW-2 EXISTING MONITORING WELL LOCATION
 - MW-3 APPROXIMATE PROPERTY BOUNDARY
 - MW-4 MTA SITE BOUNDARY
 - MW-5 AERIAL UNDERLAY - NEARMAP - 8/26/20



FIGURE 2
PROPOSED SAMPLE LOCATIONS

1180 NW MAPLE ST., SUITE 310
ISSAQUAH, WA 98027
WWW.TRCCOMPANIES.COM
425.395.0010

REPORT DATA GAP INVESTIGATION WORK PLAN	PREPARED FOR PIONEER DEVELOPMENT CORP. INC
LOCATION 909 118TH AVENUE SE BELLEVUE, WASHINGTON	PROJECT NUMBER 384144
DATE DRAWN BY REVIEWED BY	DATE 1/29/21 YFB DCK