



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 15, 2021

Logan Walker
Onni Group
1411 4th Avenue, Suite 1501
Seattle, WA 98101

Re: Opinion on Proposed Cleanup of the following Site:

Site Name: Onni 106th Ave Bellevue LLC
Site Address: 606 106th Ave NE, Bellevue WA 98004
Cleanup Site ID: 14996
Facility/Site ID: 73977
VCP Project ID: XN0011

Dear Logan Walker:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Onni 106th Ave Bellevue LLC site (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

Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

NO. Ecology has determined that, upon completion of your proposed cleanup, no further remedial action will likely be necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided as follows.

Summary of Opinion

Under MTCA, a site is defined by the extent of contamination. For the Onni 106th Ave Bellevue LLC Site (CSID 14996), the extent of contamination is within the property located at 606 106th Ave NE, Bellevue (hereinafter referred to as “the Property”) as well as at upgradient properties to the north. This contamination consists of the dry cleaning solvent tetrachloroethene (PCE) in soil and groundwater. PCE in soil and groundwater at the two upgradient properties are referred to as the Thinker Toys site (CSID 2477) and Bellevue Avenue Unocal site (CSID 7649). The contamination on the Property is believed to solely originate from these off-Property sources. Hence, the following discussion on the Onni 106th Ave Bellevue LLC site commonly refers to “the Property”, and the use of “the Site”, refers to the contamination found on and nearby to “the Property”. Ecology notes that our opinions presented herein solely pertain to “the Property”.

The Property is a four (4) acre parcel in downtown Bellevue, Washington. Currently, the Property is occupied by two structures; a Barnes and Noble Bookstore to the north and Doxa Church to the south. The Property is being redeveloped as a mixed-use (commercial and multi-family residential) multi-story development which will cover the entire footprint of the Property. The development will include the excavation of the Property to a depth of approximately 72 feet below ground surface (ft bgs).

Investigations at the property identified the dry cleaning solvent tetrachloroethene (PCE) in soil and groundwater at concentrations above MTCA Method A Cleanup levels. Cleanup level exceedances found in soil and groundwater at the Site are summarized in the following table:

Table 1 – Summary of Contamination Cleanup Level Exceedances in Soil and Groundwater

Sampling Location and Depth	Depth (ft bgs)	PCE in Soil (mg/kg)	PCE in Groundwater (µg/L)
<i>Method A Cleanup Level</i>		<i>0.05</i>	<i>5</i>
MW17-01/TH17-02	65	0.3	NS
	65-80	NS	7.7¹, 1.9²
URS-MW-7/SB-16	34-36	NS	21¹, 6.9²

NS = no sample collected.

1 – Groundwater sampling result from November 2017.

2 – Groundwater sampling result from July 2020.

Results in bold exceed the Method A cleanup level.

In addition to the above two locations, PCE was also detected in soil samples at three additional locations on the Property (URS-SB19, 20, & 22), but at concentrations below the MTCA Method A cleanup level. The depths of these detections ranged from 30 to 65 ft bgs. Note that it is Ecology's understanding that all of these samples were collected from below the water table, and the contamination migrated on-Property within groundwater and potentially soil gas.

The detections of PCE in soil and groundwater are believed to be from off-Property source(s), located to the north (hydraulically upgradient with respect to groundwater flow). These include the Thinker Toys site at 10610 NE 8th Street, and the Bellevue Corner UNOCAL site at 10605 NE 8th Street. These two sites are located at the northeast and southeast corners of 8th Street and 106th Avenue, respectively. No current or historical site operations suggest the use of PCE at the Property. In addition, Site contamination data are consistent with an upgradient source of contamination, including the following points of evidence:

- Data suggestive of a release on the adjacent property in the vicinity of monitoring well URS-MW-4.
- A lack of shallow soil PCE detections on the Property.

The characterization of the extent of PCE in soil and groundwater has been sufficient to select cleanup levels and identify an appropriate cleanup action. PCE was below detection limits in soil samples collected below the locations and depths with PCE detections, hence the vertical extent of contamination has been defined.

The excavation for the construction of the new structure at the Property is below the maximum depth of contamination above cleanup levels observed at the Property. Excavation and offsite disposal is planned to address the soil and groundwater contamination on the Property. Excavation and offsite disposal is a permanent cleanup solution under MTCA. Should ponding occur during excavation work, the water must be collected and managed consistent with all applicable laws and regulations.

There is potential for contaminated groundwater to continue migrating to the Site from the north following completion of the excavation work. This potential for recontamination of groundwater at the Property is being mitigated through the following:

- 1) A lot line to lot line excavation is currently taking place on the adjacent property to the north (Bellevue Corner UNOCAL site at 10605 NE 8th Street). This excavation is planned to approximately 60 to 70 ft bgs. Therefore, currently contaminated groundwater at this upstream property will be removed to 60 to 70 ft bgs. The cleanup action plan for the Bellevue Corner UNOCAL site (EPI 2016) includes capture of contaminated, perched groundwater with subsurface wall drains and treatment (if necessary) followed by permitted water discharge.

- 2) The planned development at the Property includes a groundwater collection system for geotechnical reasons. The cleanup action plan (CAP) includes the requirement for the proper sampling, analysis, treatment, and disposal of collected groundwater.

Additional levels of protection are provided through the construction design of the new development on the Property. The design includes a six floor parking garage to be constructed at the bottom of the excavation to a depth of 72 ft bgs. Such a parking garage requires an air handling system to ensure that automotive exhausts do not present a hazard to occupants. Therefore, if any groundwater contamination were to migrate onto the Property, risk from vapor intrusion would be mitigated by the structure itself, the groundwater collection system, and the parking garage air management system. An environmental covenant (EC) will be needed with the proposed cleanup and is further discussed below.

Description of the Site

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

- Tetrachloroethene (PCE) into the soil, groundwater, and potentially air.

Enclosure A includes a detailed description and diagrams of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, Ecology has information suggesting that the Property associated with this Site (parcel #154410-0214) is affected by the following other sites:

Table 2 – Other Sites Affecting the Property

Site Name	CSID Number	Site Address
Thinker Toys	2477	10610 NE 8 th Street
Bellevue Corner UNOCAL	7649	10605 NE 8 th Street

The contamination releases at these two other sites, and how they affect the Onni 106th Ave Site are further discussed below.

Basis for the Opinion

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

1. TRC Environmental Corporation. *Remedial Investigation/Feasibility Study/Cleanup Action Plan Onni 106th Ave Bellevue LLC, 606 & 620 106th Avenue Northeast, Bellevue, Washington 98004.* October 1, 2021.

2. Aspect Consulting. *Remedial Investigation/Feasibility Study and Cleanup Action Plan, NE 8th and 106th, Bellevue Washington, Cleanup Site ID:7649*. November 20, 2020.
3. Environmental Partners Inc (EPI). *Thinker Toys Site, Summary of Additional Data, Barnes and Noble Property, 606 and 620 106th Avenue Northeast, Bellevue, Washington*. June 10, 2019.
4. G-logics. *Review of Soil and Groundwater Contamination, Locations Downgradient of the Thinker Toys Site, VCP No. NW2338, 10610 Northeast 8th Street, Bellevue, WA*. April 19, 2019.
5. EPI. *Revised Cleanup Action Plan, 10605, 10619, and 10635 Northeast 8th Street, Bellevue, Washington*. November 22, 2016.
6. URS. *Limited Site Investigation, SRO Bellevue Corner Property, NE 8th and 106th Avenue, Bellevue, Washington*. October 10, 2008.

A number of these documents are accessible in electronic form from the Site webpage <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=14996>. The complete records are stored in the Central Files of the Headquarters Office of Ecology, for review by appointment only. Visit our Public Records Request page <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>, 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 at publicrecordsofficer@ecy.wa.gov or 360-407-6040.

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

Analysis of the Proposed Cleanup

Ecology has concluded that, upon completion of your proposed cleanup, **no further remedial action** will likely be necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. **Characterization of the Site.**

Ecology has determined your characterization of the Property is sufficient to establish cleanup standards and select a cleanup action. The Site and Property are described above and in **Enclosure A**.

Site Contaminants

The dry cleaning solvent tetrachloroethene (PCE) is the sole contaminant detected in soil and groundwater at concentrations above MTCA Method A cleanup levels. The only other detected contaminant was *cis*-1,2-dichloroethene (*cis*-DCE), a degradation product of PCE. *cis*-DCE was detected in one soil sample and one groundwater sample at concentrations well below the most stringent MTCA Method B cleanup level.

Soil Characterization

A total of 114 soil samples were collected at 18 locations at depths up to 90 ft bgs. As discussed above, PCE was detected in soil at concentrations above cleanup levels at one location and depth only (0.3 mg/kg at MW17-01/TH17-02 at 65 ft bgs). PCE was below detection limits in soil samples collected below the locations and depths with PCE detections, hence the vertical extent of contamination has been defined. Ecology considers no further characterization of PCE in soils to be warranted at the Property, other than what data may be required for proper segregation and disposal of soils during excavation.

Groundwater Characterization

Groundwater sampling of monitoring wells on the Property and the properties to the north have taken place during several investigations. Maximum PCE concentrations found in groundwater at each of the three sites are summarized as follows:

Table 3 – Maximum PCE in Groundwater at the three sites

Site	Maximum PCE Concentration in Groundwater (µg/L)	Location of Maximum	Date of Maximum Detection
Thinker Toys	>5,000 ¹	MW-7 ¹	--
Bellevue Corner UNOCAL	460	URS-MW-1	3/17/2010
Onni 106 th Ave	21	URS-MW-7	11/14/17

1 – No groundwater sampling data was found during a brief review of Ecology's Thinker Toys site electronic files. A total of 14 technical documents are found for this site within Ecology's electronic file; however, only soil and soil vapor analytical results were found in the documents examined by Ecology. A map within g-logics 2019 shows a shallow groundwater PCE isoconcentration area of 5,000 µg/L at MW-7); however, no tabulated data were found.

A total of 11 groundwater samples were collected at five (5) locations on the Property between 2011 and 2020, and 26 groundwater samples were collected from three (3) locations just north of the Property between 2008 and 2020. Ecology considers no further characterization of groundwater contamination at the Property to be warranted at this time. Future sampling from the proposed groundwater collection system is planned with the CAP (TRC 2021), and results of such sampling should be reported to Ecology. Reporting of monitoring data from the groundwater collection system are further discussed below.

Vapor and Indoor Air Characterization

Since all contaminated soil is to be excavated and disposed of offsite, no characterization of potential vapor intrusion is warranted. As discussed above, the planned development includes further elements that address potential vapor intrusion, should groundwater recontamination occur.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance presented below meet the substantive requirements of MTCA. The following Method A cleanup levels have been selected for the Site:

Table 4 – Method A Cleanup Levels for PCE in Soil and Groundwater

Contaminant	Method A Soil Cleanup Level (mg/kg)	Method A Groundwater Cleanup Level (µg/L)
PCE	0.05	5

Method A cleanup levels are for unrestricted land use. The Method A cleanup level for soil is based on the soil-protective-of-groundwater pathway and applies without regard to depth. A standard point of compliance (throughout the Site) will be applied for soil and groundwater.

This Site is located in a highly urbanized setting of downtown Bellevue. No significant open space is located within 500 feet of the Site; therefore, no terrestrial ecological evaluation (TEE) is needed based on completion of MTCA Table 749-1.

3. Selection of cleanup action.

Ecology has determined the cleanup action you proposed for the Property meets the substantive requirements of MTCA. Excavation and offsite disposal has been proposed for cleanup at the Property. Ecology concurs with this approach.

Since the excavation is being conducted for joint purposes (both new construction and remediation purposes) and since not all excavated soil will be contaminated, the segregation of contaminated soil will need to be based on analytical data, and to the extent practicable, field screening. A soil management plan detailing how soils will be segregated during site excavation should be submitted to Ecology prior to execution of the cleanup.

The CAP includes the installation and operation of a groundwater collection system. As discussed above, an environmental covenant (EC) will be needed for the Site, since

there is some potential for recontamination of groundwater to occur and continued operation of the groundwater collection system may be needed. The EC is expected to include (but not be limited to) the following provisions:

- A prohibition on water supply wells on the Property.
- An operations and maintenance (O&M) plan and reporting requirements for monitoring data collected during operation of the groundwater collection system (for submittal to Ecology for use during five [5] year periodic reviews).
- A requirement that if the new structure is removed in the future, potential Property contamination concerns should be reassessed.

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 70.105D.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 proposed will be substantially equivalent. Courts make that determination. See RCW 70A.305.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the Voluntary Cleanup Program (VCP).

4. State is immune from liability.

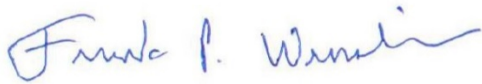
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70A.305.170(6).

Contact Information

Thank you for choosing to clean up the Site under the VCP. As you conduct your cleanup, please do not hesitate to request additional services. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our webpage¹. If you have any questions about this opinion, please contact me by phone at (509) 454-7835 or e-mail at frank.winslow@ecy.wa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Frank P. Winslow". The signature is fluid and cursive, with the first name "Frank" being more prominent.

Frank P. Winslow, LHG
Toxics Cleanup Program
Headquarter Section

fpw:anf

Enclosure

cc: Thomas Morin, TRC Environmental Corporation
Sonia Fernandez, Ecology

¹ <https://www.ecy.wa.gov/vcp>

Enclosure A

Site Description and Diagrams

Site Description

Site: The Site is defined by PCE in soil and groundwater. The contamination at the Property is believed to originate from releases of PCE to soil and groundwater at facilities located upgradient to the north of the Subject Property.

Area and Property Description: The Property is a near rectangular four (4) acre parcel in downtown Bellevue, Washington (parcel #154410-0214). Currently, the Property is occupied by two structures; a Barnes and Noble Bookstore to the north and Doxa Church to the south. The Property is being redeveloped as a mixed-use (commercial and multi-family residential) multi-story development which will cover the full footprint of the Property. The Property is located in downtown Bellevue and is surrounded by commercial & multi-family residential land uses. The adjacent property to the north (former Bellevue Corner UNOCAL) is currently under redevelopment with a large lot line to lot line excavation.

Property History and Current Use: The Subject Property was used as fruit orchards and gardens until the late 1950s, when the Property was first commercially developed. A bowling alley was constructed at the Property in 1957 and operated as Belle Lanes through approximately 1985, then as Barnes & Noble between 1993 through today. The DOXA Church building was originally constructed in 1961 as a theater. Parking areas were initially paved in 1963.

Sources of Contamination: The PCE in soil and groundwater appears to be from the two off-Property sites located upgradient to the north (Thinker Toys and Bellevue Corner UNOCAL). The degree to which each source is contributing to the contamination at the Onni 106th Ave Property is uncertain. However, a release of PCE to the shallow groundwater system is evident in attached Figure 9 at location URS-MW-4, just north of the Subject Property. The following text is from the RI/FS/CAP document prepared for the Bellevue Corner UNOCAL Site (Aspect 2020):

The source of shallow PCE contamination near the south Subject Property boundary (URS-MW-4) is unknown, but based on shallow depth and proximity to several catch basins and manholes (Figure 6), is likely the result of historical unauthorized disposal of chlorinated solvents containing products into the catch basins or manholes.

As discussed above, no historical nor current PCE use is believed to have taken place on the Property, based on current and historical land uses, and soil and groundwater data collected on the Property and to the north are suggestive of an off-Property source.

Physiographic Setting: The Property is located within downtown Bellevue, approximately 0.7 miles northeast of Meydenbauer Bay, an inlet on Lake Washington. The Property is in an area of gently undulating glacial terrain within the Puget Lowland

Physiographic Province. The Property is gently sloped to the southwest with the land surface at an elevation of approximately 160 feet above mean sea level (ft amsl) at the northeast property corner, and approximately 144 ft amsl at the southwest property corner.

Surface/Storm Water: Stormwater at the Property will generally flow to the southwest toward Lake Washington. Besides Lake Washington, no other surface water bodies are found in the area.

Ecological Setting: No significant open space is located within 500 feet of the Site. In addition, the Property contamination is all below a depth of 15 ft bgs. Hence, no ecological receptor concerns are present at the Property.

Geology: Shallow soil at the Property is underlain by the Vashon Till, a unit of dense to very dense glacially compacted, poorly sorted and locally cemented silt, sand, gravel, and cobbles with localized sand-rich zones. The glacial till typically extends to a depth of approximately 50 ft bgs at the Property. Sand-rich zones within the glacial till were encountered on the northern adjacent property at depths of about 20 to 30 feet bgs, and on the Subject Property at depths of about 30 to 40 feet bgs.

The glacial till is underlain by the more permeable sand and gravelly-sand deposits of the Vashon Advance Outwash. Outwash extends to depths of approximately 75 to 90 feet bgs. Dense, silty sand to sandy silt was encountered beneath the Advance Outwash in the deepest explorations on the adjacent property that extend to 101.5 feet bgs.

Groundwater: Depth to groundwater in monitoring wells on the Property ranged from 34 feet below top of casing (ft btoc) in MW-7 to 71 ft btoc in MW-17-01. The screened intervals of these monitoring wells were 26-36 ft bgs and 60-80 ft bgs, respectively. These different water levels represent a perched (shallower) groundwater system in the glacial till and a deeper groundwater system in the outwash deposits, respectively, and a potential downward vertical groundwater gradient.

Groundwater flow directions from potentiometric surface maps are summarized in the following table. A generally consistent flow direction within the shallow till unit was noted; however, the flow directions within the outwash were different between the two sources. In general, groundwater flow is expected to be southerly in both hydrostratigraphic units, based on the observed distribution of PCE in groundwater at the Property.

Summary of Groundwater Flow Directions from Potentiometric Surface Maps

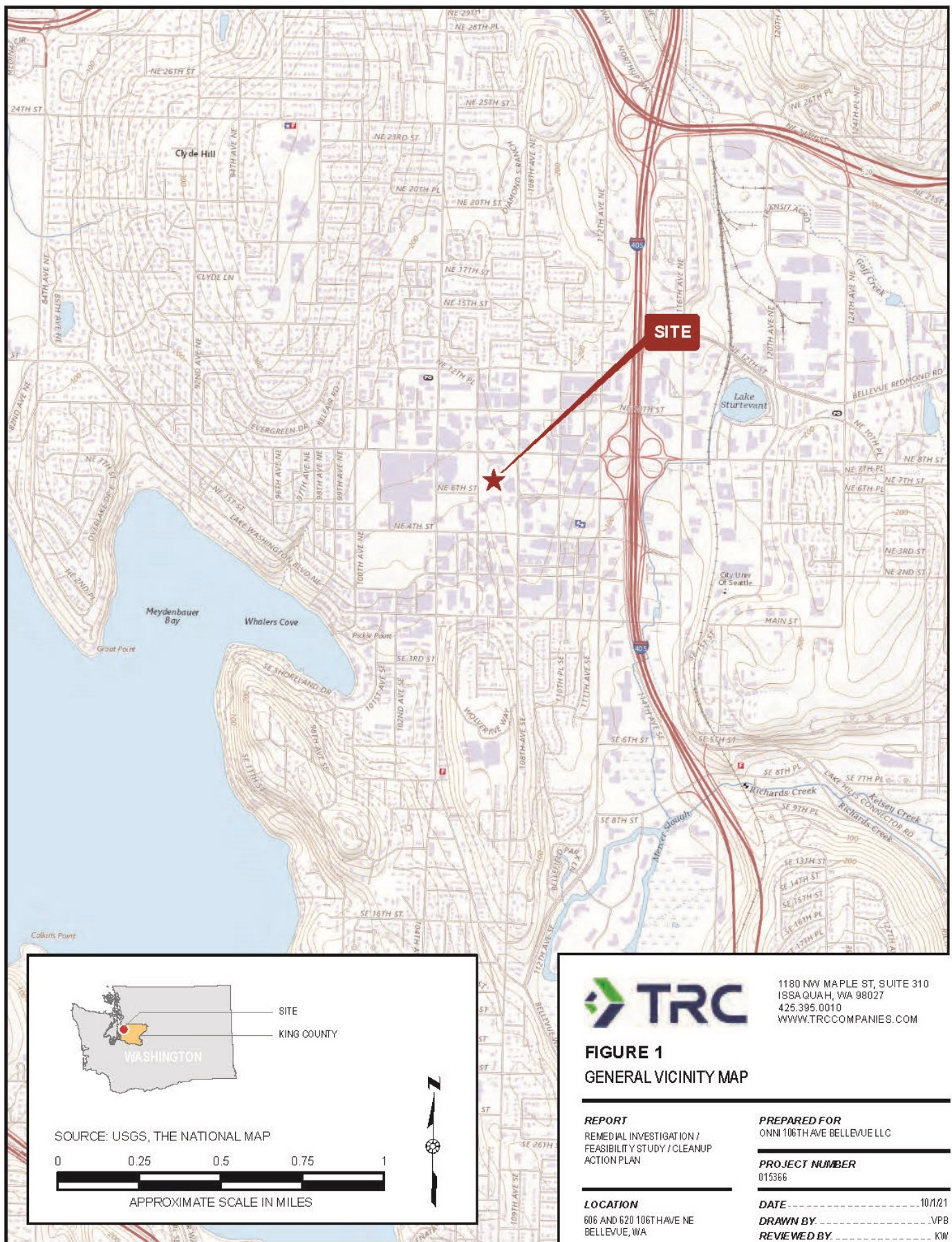
Report	System & Groundwater Flow Direction	Water Level Date
Aspect 2020	Shallow Till – SSE	November 2020
	Deep Outwash – ENE	November 2020
EPI 2016	Shallow Till – S	May 2010
	Deep Outwash – SSE	October 2011

Ecology notes that the excavation and structure being constructed on the northern adjacent property will result in no additional recharge to the shallow groundwater system from the north. However, this change to the system could potentially result in changes of groundwater flow directions in the area. Regardless, the planned groundwater collection system on the Property is expected to address groundwater that migrates onto the Property.

Water Supply: Potable water is provided to the subject property by the City of Bellevue. The nearest Group A/B wells are located approximately 0.3 miles to the north-northwest and 0.5 miles to the south-southwest. No wellhead protection zones were found in the area.

Extent of Contamination: Soil and groundwater contamination at the Property was found within two hydrostratigraphic units in the northern part of the Property; within the shallower glacial till unit and the deeper glacial outwash unit. Cleanup level exceedances were limited to one location and depth for soil, and two monitoring wells for groundwater. The contamination found on the Property was entirely within the planned excavation proposed depth and extent on the Property.

Site Diagrams



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

FIGURE 1 GENERAL VICINITY MAP

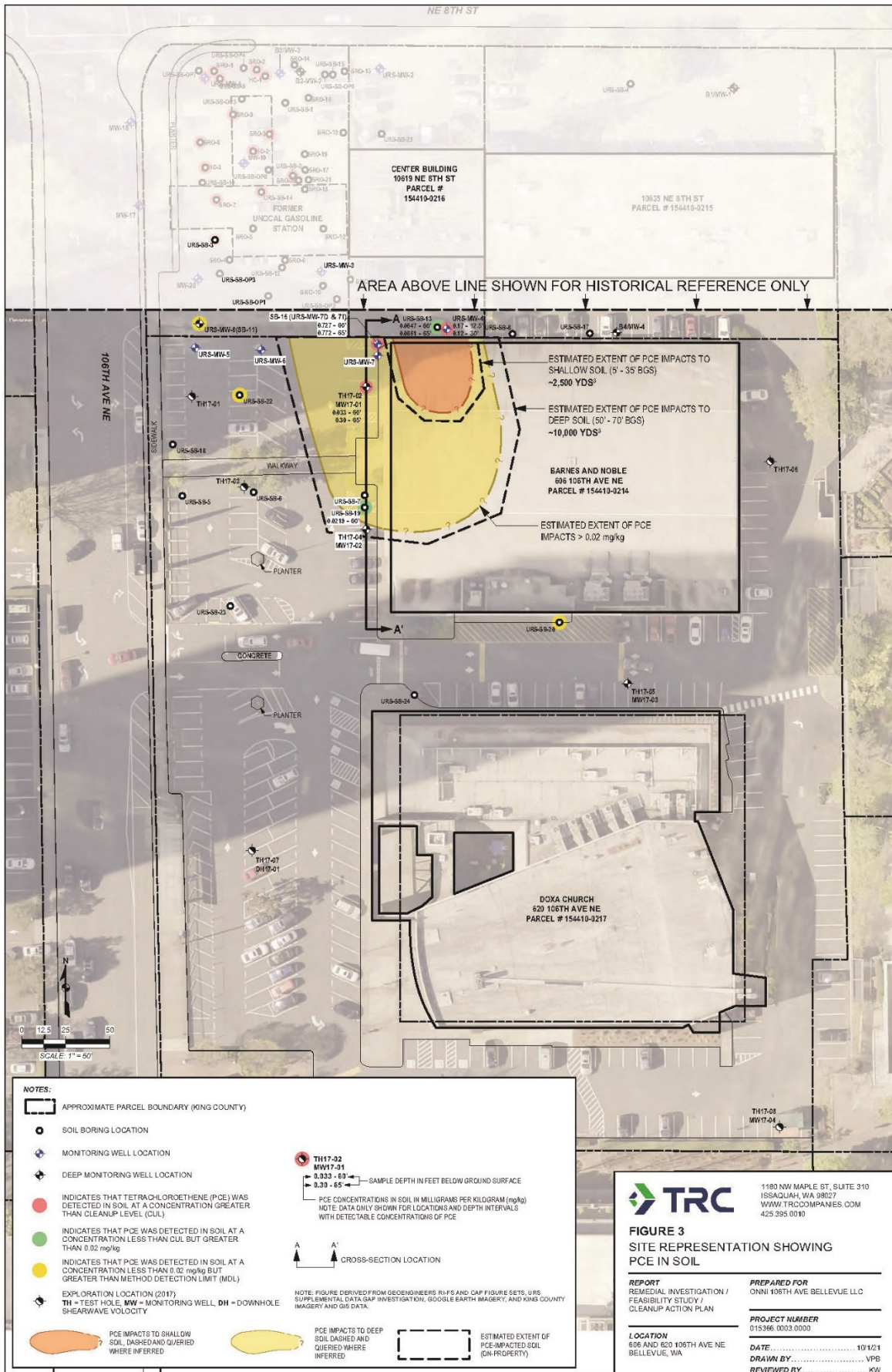
REPORT
REMEDIAL INVESTIGATION /
FEASIBILITY STUDY / CLEANUP
ACTION PLAN

PREPARED FOR
ONNI 106TH AVE BELLEVUE LLC

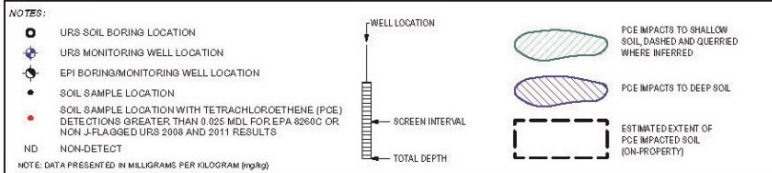
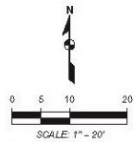
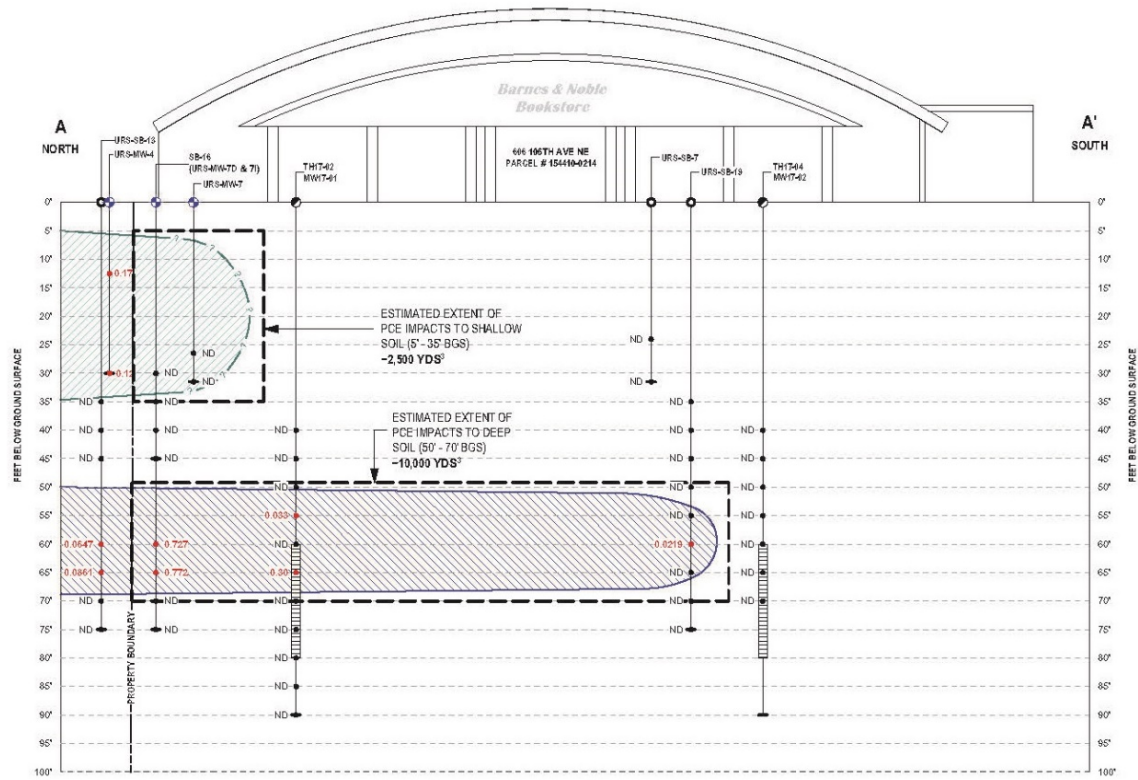
PROJECT NUMBER
015366

LOCATION
606 AND 620 106TH AVE NE
BELLEVUE, WA

DATE 10/1/21
DRAWN BY VPB
REVIEWED BY KMW



DRAFT
FOR REVIEW



1180 NW MAPLE ST, SUITE 310
ISSAQUAH, WA 98027
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425.395.0010

FIGURE 4
CROSS-SECTION A-A'

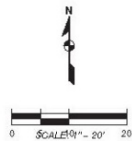
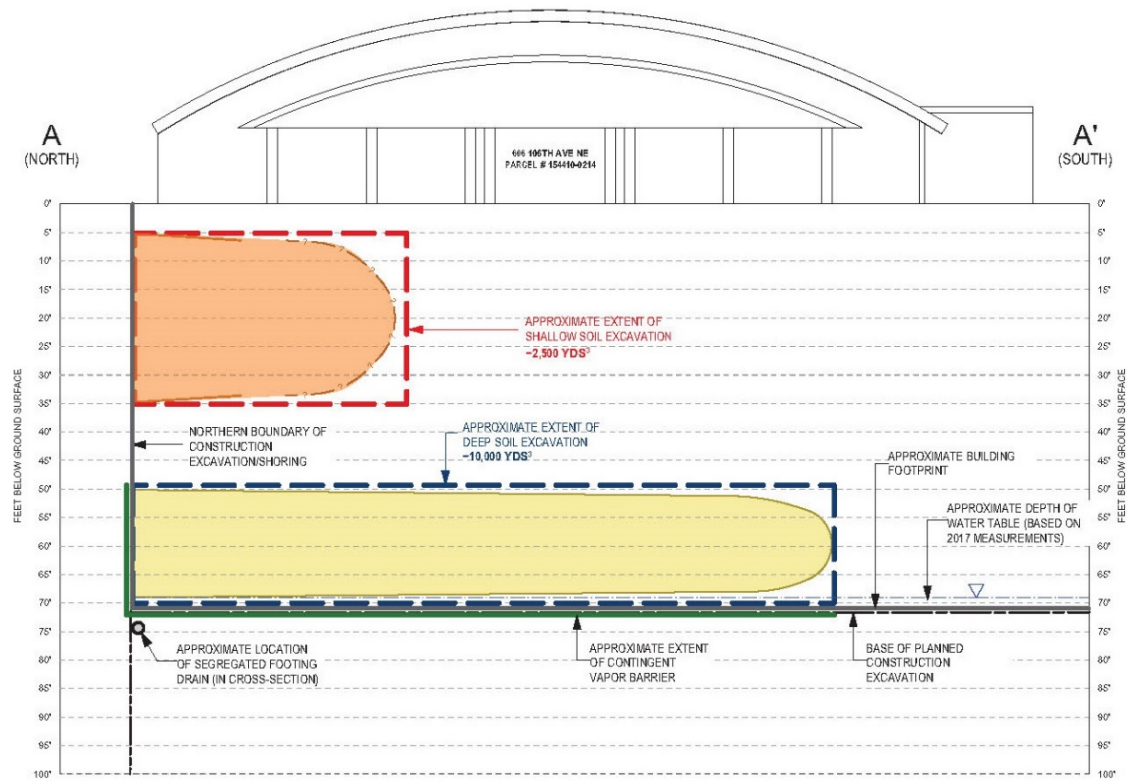
REPORT
REMEDIAL INVESTIGATION /
FEASIBILITY STUDY /
CLEANUP ACTION PLAN

PREPARED FOR
ONNI 106TH AVE BELLEVUE LLC

PROJECT NUMBER
015366

LOCATION
606 AND 620 106TH AVE NE
BELLEVUE, WA

DATE 10/1/21
DRAWN BY VPB
REVIEWED BY KW



- NOTES:**
- APPROXIMATE PARCEL BOUNDARY (KING COUNTY)
 - APPROXIMATE BUILDING FOOTPRINT
 - TETRACHLOROETHENE (PCE) IMPACTS TO SHALLOW SOIL, DASHED WHERE INFERRED, QUERIED WHERE UNKNOWN
 - PCE IMPACTS TO DEEP SOIL, DASHED WHERE INFERRED, QUERIED WHERE UNKNOWN



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FIGURE 10
ALTERNATIVE 2 - CROSS-SECTION A-A'

REPORT
REMEDIAL INVESTIGATION /
FEASIBILITY STUDY /
CLEANUP ACTION PLAN

PREPARED FOR
ONNI 106TH AVE BELLEVUE LLC

PROJECT NUMBER
615366.0003.0000

LOCATION
606 AND 620 106TH AVE NE
BELLEVUE, WA

DATE 10/1/21
DRAWN BY VPB
REVIEWED BY KW