



King County

Water and Land Resources Division

Department of Natural Resources and Parks

King Street Center

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TTY Relay: 711

September 1, 2022

Colleen Griffith

Washington Department of Ecology – Northwest Regional Office

PO Box 330316

Shoreline, Washington 9833-9716

Re: Second request for additional information pertaining to the S4.F Notification – 18315 196th Ave SE, Renton, WA 98058, Parcel # 7937600110 (Westmoreland Property) / ERTS Incident #713475

Dear Mrs. Griffith,

The information below is being provided in response to the request the Department of Ecology (Ecology) made on July 27th, 2022 (Re: King County's S4.F Notification (WAR044501): Oil Sheen discharge to Spring Lake). On August 25th, 2022, King County (Doug Navetski, Marilyn Guthrie, and Bob Bernhard) met Ecology (Colleen Griffith) to discuss the information request, review the status and agree upon next steps for the Westmoreland property.

Oil sheen on Spring Lake

Neighbors in the Spring Lake neighborhood mentioned an oil sheen was visible on Spring Lake in March when the field investigation of the ERTS was conducted. After oil booms were deployed in the County ditch (downstream of location A, see Figure 3) and at the outfall to Spring Lake (location D, see Figure 3), no additional sheens have been observed or reported in Spring Lake.

The S4.F notification sent on June 10th, 2022, indicated that "On May 16, 2022, King County concluded that an illicit discharge to King County's MS4 roadside ditch reached Spring Lake at concentrations that may have exceeded Water Quality Standards." On the second page of this same notification a table lists "5/16/22, Observed sheen in Spring Lake triggering the need for S4F notification."

As discussed during the meeting on August 25th, the notification should have read that on "5/16/22, It was determined that the observed sheen in March in Spring Lake triggered the need

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for S4.F notification.” King County submitted the S4.F notification out of an abundance of caution.

Overland flow – King County MS4 and private drainage

Follow up investigation using Lidar (see Figure 2) indicates that the overland flow of stormwater travels approximately 600 feet through a forested ravine and across privately owned properties to reach an approximately 200 feet long privately owned drainage pipe that outfalls into Spring Lake. There are no visible water channels indicating that there is natural drainage in the ravine, or even ephemeral flows, (see Figures 1 and 2). Figure 3 provides photos of the various locations discussed below.

Locations on Figure 3

A: pipe outfall from 18315 196th Ave SE that connects/discharges to the County’s MS4

B: the County’s MS4 outfall

C: inlet to privately owned 24” drainage pipe (~200’ long) at 18113 East Spring Lake Drive SE

D. outlet of drainage pipe to Spring Lake

Oil boom locations

On March 16th, 2022, oil booms were placed a few feet downstream of location A (pipe from 18315 196th Ave SE), upstream of the culvert that passes underneath East Spring Lake Drive SE terminating at location B. The booms were not captured in the photo for location A; however, they remain installed and are regularly inspected and replaced as needed. Another boom was installed at the outfall to Spring Lake, location D, which can be seen in the photo below.

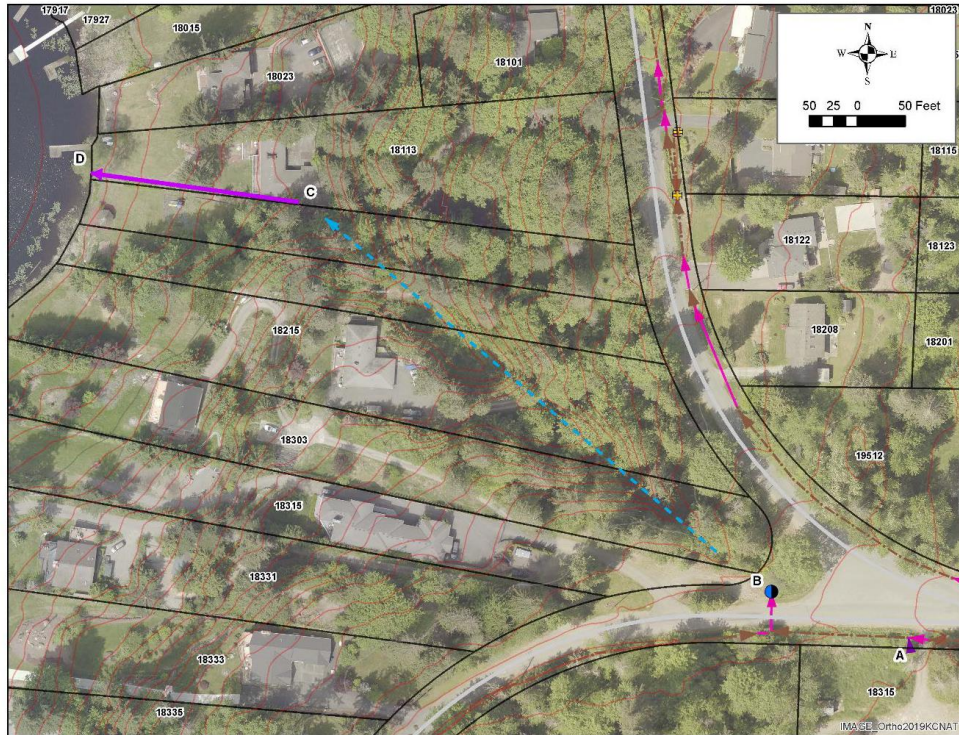


Figure 1

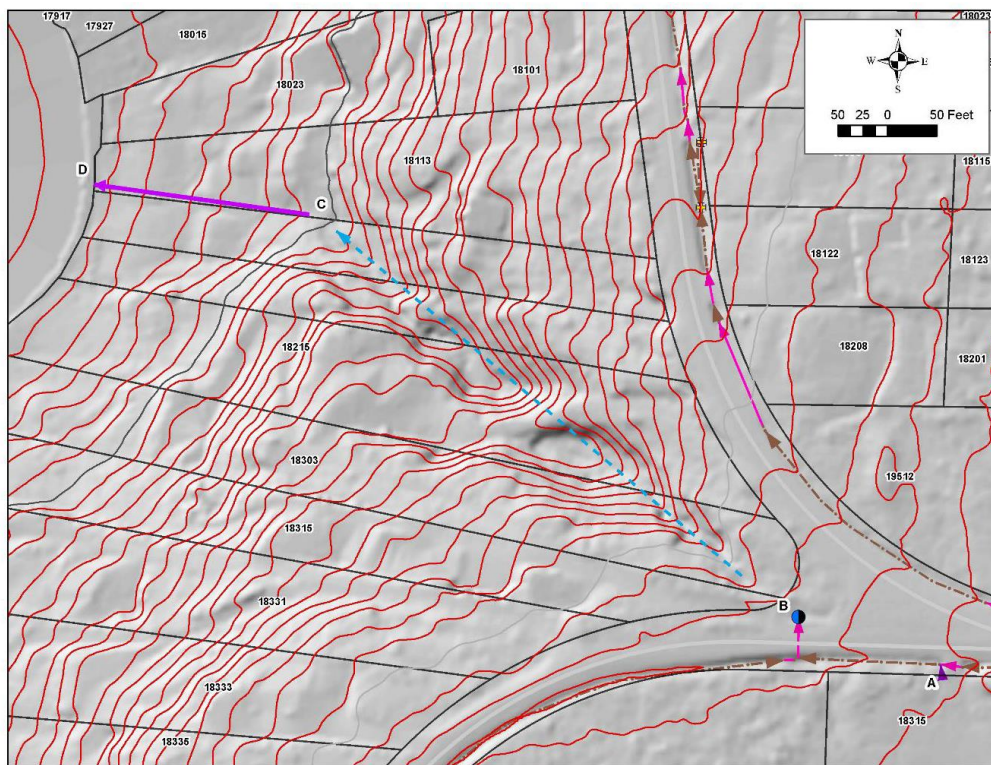


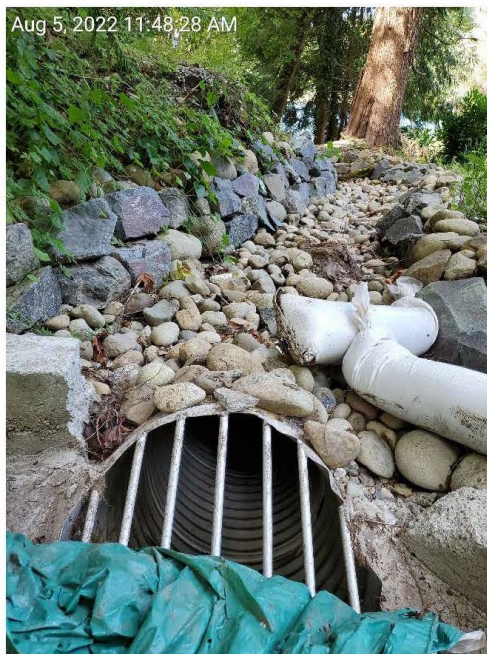
Figure 2



A. Pipe (red circle) from 18315 196th Ave SE outfalls to King County MS4



B. Terminal outfall (red circle) for King County MS4, drains to private residences



C. Inlet to privately owned drainage pipe at 18113 E. Spring Lake Dr. SE



D. Outlet (red circle) from privately owned drainage pipe discharging to Spring Lake

Figure 3

Illicit connection to King County MS4

On March 22nd, 2022, a King County drainage inspector spoke with the foreman, Ken Banghart, while on scene at 18315 196th Ave SE. Mr. Banghart had mentioned that earlier that day, when removing debris at the property, his employees discovered a catch basin and yard drain. Upon discovery, the upstream end of the pipe was capped. Even though the upstream end was capped, the pipe continued to actively discharge to the County ditch and therefore the County drainage inspector instructed Mr. Banghart to cap the downstream end of the pipe that was connected to the County's ditch. With a cap on the downstream end, the discharge ceased.

Sometime between March 22nd and May 23rd, 2022, when water quality samples were collected by King County, the cap on the downstream end of the pipe was removed. A letter will be sent to the property owner, notifying them to either permanently cap the pipe or remove the pipe, thus eliminating the illicit connection to the County's MS4. The owner will be given 30 days from receipt of notification to eliminate the illicit connection. If the illicit connection is not removed, King County will take additional enforcement actions against the property owner (KCC 9.12.025.A.2).

Settlement Agreement

On September 8th, 2017, Mr. Rory Westmoreland sold his property at 18315 196th Ave SE to Radical Renovations 10, LLC. Three months later Radical Renovations 10, LLC, and Nick Weaver entered into a settlement agreement with King County for parcels 793760-0110 and 793760-0115 (18315 196th Ave SE). Radical Renovations 10, LLC and Nick Weaver acknowledge that they were fully aware and apprised of the current violations and agreed to bring the properties into full compliance. Additionally, Radical Renovations 10, LLC and Nick Weaver admitted that violations exist on the subject properties and that by purchasing the properties they have become the persons responsible for code compliance on the subject properties. On February 28th, 2022, Radical Renovations 10, LLC sold the property to PNW KL Investment, LLC, who is now the current owner.

Within the next 30 days, the King County Prosecuting Attorney's Office will be contacted to verify whether the terms of settlement agreement were satisfied by Radical Renovations 10, LLC, and Nick Weaver prior to the sale of the parcels to PNW KL Investment, LLC. If the terms of the settlement agreement have not been fulfilled, additional investigation will be needed to determine who is legally responsible for resolving issues of non-compliance.

Water quality sampling

Water quality samples were collected from locations A and B (see Figures 1-3) on May 23rd, 2022. The samples were analyzed for BTEX (benzene, toluene, ethylbenzene, and xylene), WTPH-G (gasoline), WTPH-D (diesel), RCRA 8-ICPMSQL (Ag, As, Ba, Cd, Cr, Pb, Se and Hg), Cu and Zn. The only analyte in exceedance of cleanup levels for groundwater (WAC 173-340-900, Table 720-1) was gasoline at location A. The cleanup level for gasoline is 1000 ug/l,

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the sample had a concentration of 1,100 ug/l. When the samples were collected it was noted that the concentration of pollutants from location A appeared more dilute than had been observed in months prior. Although we used the groundwater cleanup levels, we do not know the source of the water other than it being a seepage that is following the pipe bed.

On August 3rd, 2022, the analytical results were reviewed during a meeting with staff from Ecology's Northwest Regional Office Toxics Cleanup Program (Donna Musa and Priscilla Tomlinson), EPA (Mike Sibley), and King County (Marilyn Guthrie and Bob Bernhard). Based on observable differences in the May discharge compared to previous months' observations, it was agreed upon by all that King County will collect additional samples during the wet season. It is anticipated that this sampling will occur in the last quarter of 2022.

Between August and November King County staff will visit location A once per month. If additional indications of oil seepage are present this information will be provided to EPA to allow them to assess their ongoing level of involvement at the site. Otherwise, the EPA will assess their involvement after the second set of water quality samples are analyzed in late 2022.

Next Steps – King County

1. Maintain current BMPs in the County ditch (i.e., oil booms) and replace as needed
2. Monthly inspections at location A—noting approximate flow (from pipe or seeps), visuals and odor.
3. Water quality sample are collected (November/December 2022?)
4. Maintain communication with neighbors (i.e., report any observations of sheen at location D, outfall to Spring Lake)
5. Send letter to property owner of 18315 196th Ave SE requiring the elimination of the illicit connection to the County's MS4
6. Follow-up with the Prosecuting Attorney's Office to determine the status of the settlement agreement

Sincerely,



Doug Navetski
Environmental Programs Managing Supervisor
Water and Land Resources Division
Department of Natural Resources and Parks

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cc: Curt Crawford, P.E., Section Manager, Stormwater Services Section (SWSS), Water and Land Resources Division (WLRD), Department of Natural Resources and Parks (DNRP)
Bob Bernhard, Source Control Program Manager, SWSS, WLRD, DNRP
Marilyn Guthrie, Assistant NPDES Coordinator, SWSS, WLRD, DNRP
Mike Sibley, Federal On-Scene Coordinator, US Environmental Protection Agency
Donna Musa, Initial Investigations Coordinator, NW Region Toxics Cleanup Program, Washington State Department of Ecology