



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

November 15, 2021

David Sinnett
American Property Development
15 Lake Bellevue Drive, Suite 200
Bellevue, WA 98005

Re: Contained-in determination for F002-contaminated soils from the Totem Commercial Center Redevelopment Project in Kirkland, Washington.

Reference: 1. Email report request from Keith L. Woodburne. L. G., TRC, October 26, 2021.
2. Email revised report request from Keith L. Woodburne. L. G., TRC, November, 2021.

Dear David Sinnett:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from TRC Environmental Corporation (TRC) for F002-listed dangerous waste soils to be excavated from the American Property Development site in Kirkland, Washington.

Analytical data was submitted to Ecology to determine if soils contaminated with F002 dangerous waste tetrachloroethene may be exempt from management as dangerous wastes per the "Contained-In Policy." Ecology understands that these contaminated soils do not designate as dangerous waste under federal characteristics (WAC 173-303-090) or state-only criteria (WAC 173-303-100).

Based on the information received and reviewed, Ecology has determined that the approximately 70 tons of soil to be excavated (in February, 2022) from areas depicted on revised Figures 7 and 8 (attached), are contaminated with F002-listed dangerous waste constituents at concentrations that do not warrant management as dangerous wastes. Ecology will not require disposal of these soils as listed dangerous wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided that all of the following conditions are implemented. This contained-in determination applies only to the contaminated soils, and does not pertain to contaminated water or any mixture of contaminated soils and water.

You or your consultant, TRC, shall:

- Ensure that no standing water is present within the drum/container holding the contaminated soils. All water must be removed to the maximum extent possible from the drum/container and managed as F002 dangerous waste or as otherwise allowed under Chapter 173-303 WAC. Adding bentonite or similar materials to absorb standing F002 listed waste contaminated water in the drum/container is not allowed. Mixtures of bentonite or similar materials and the listed waste contaminated water must be managed as F002 listed dangerous wastes;
- Directly deliver the soils to a solid waste landfill permitted under WAC 173-351 inside Washington State. If you plan to deliver the contaminated soils to a landfill outside Washington State, you must submit Ecology written approval for the contaminated soil disposal from the receiving State hazardous waste program and the out of state landfill, before the soils are delivered to the out of state landfill;
- If you load the contaminated soils directly onto the truck bed or the contaminated soils are transported in roll-off bins, the truck or the roll-off bins must be lined with plastic and properly covered to prevent leaks, spills or dispersion due to wind erosion;
- Dispose of the 70 tons of contaminated soils at the solid waste landfill by May 1, 2022. The contaminated soils must be managed as dangerous wastes after May 1, 2022;
- Provide copies of all signed solid waste landfill receipts or a certificate of disposal issued by the receiving landfill for these contaminated soils to Ecology, attention of Christa Colouzis, by June 1, 2022. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid;
- Do not consolidate these contaminated soils with other soils that do not pertain to this contained in determination;
- Notify Ecology before disposal of the contaminated soil if the amount exceeds the approved amount or if the excavation limits exceed the lateral or vertical extents shown on Figures 7 and 8 in this letter. Ecology needs to make sure that the additional soil qualifies for a contained-in determination;
- Ensure that the transporter is properly trained to handle hazardous waste so that the transporter manages the contained-in determination soils during transport in a manner that is protective of human health and the environment;
- Take measures to prevent unauthorized contact with these soils at all times;
- Provide instructions to the landfill operator that these soils are not to be used for daily, intermediate, or final cover;
- Provide copies of all soil analytical data to the landfill operator, upon request; and

- Do not send these contaminated soils to any incinerator, thermal desorption unit or recycling facility unless that facility is a RCRA Subtitle C permitted dangerous waste TSD facility.

Ecology issued this determination based on the information provided and reviewed to date. Ecology will rescind this approval if the information submitted by the property owner or its environmental consultant does not accurately represent the site conditions or is materially false or misleading, or if the Ecology requirements listed in this letter are not followed.

This written decision only applies to the approximately 70 tons of soil described above, and does not apply to any other area or other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) and the Ecology Contained-in Policy. This letter is not an Ecology approval for dangerous waste designation or disposal of contaminated soils that may be generated or already excavated from other areas in this property.

This letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under the Ecology Model Toxics Control Act (Chapter 173-340 WAC). Local agencies may have the authority to impose additional requirements on this waste stream.

If you fail to comply with the terms of this letter, Ecology may issue an administrative order and/or penalty as provided by the Revised Code of Washington, Sections 70.105.080 and/or .095 (Hazardous Waste Management Act).

If you have any questions concerning this letter, please contact me at (425) 324-1850 or cboe461@ecy.wa.gov.

Sincerely,



Christa Colouzis
Corrective Action Unit Supervisor:
Hazardous Waste and Toxics Reduction Program

Sent by Certified Mail: 9171 9690 0935 0233 2181 25

Enclosures




ecc: Keith Woodburne, kwoodburne@trccompanies.com
Sean Thorson, sthorson@acg.com
Morin, Thomas, TMorin@trccompanies.com

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Paul Bianco, Ecology
Greg Caron, Ecology
Mindy Collins, Ecology
Donna Musa, Ecology
Kaia Petersen, Ecology
Elaine Snouwaert, Ecology



NOTES:

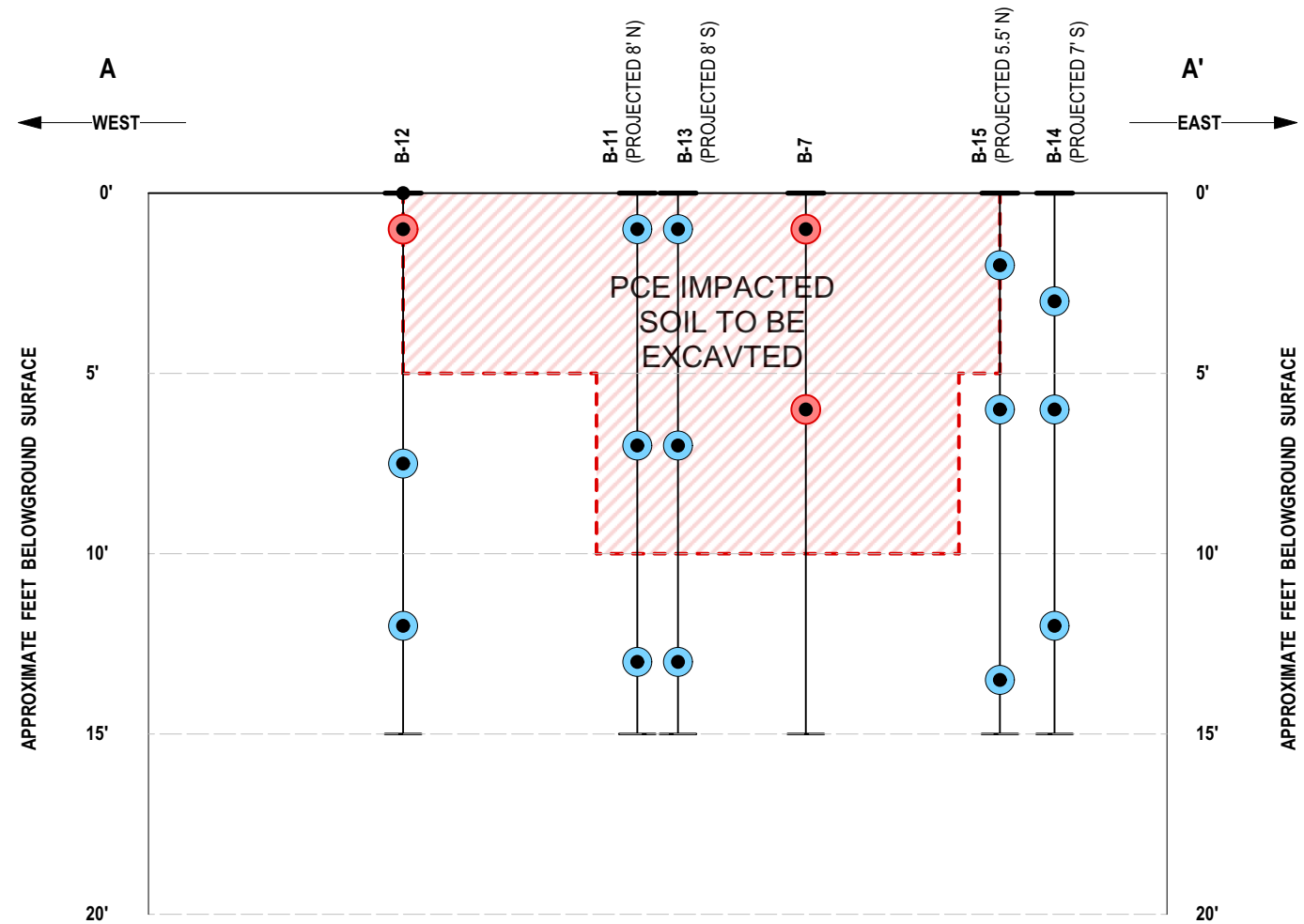
-  BORING LOCATION
-  RED HALO INDICATES CONCENTRATION EXCEEDS CLEANUP LEVEL
-  APPROXIMATE LIMITS OF EXCAVATION. TOTAL VOLUME OF PCE-CONTAMINATED SOIL IS 40 CUBIC YARDS
- PCE TETRACHLOROETHENE

AERIAL IMAGERY: NEARMAP (9/21/21)
PARCEL BOUNDARIES AND SITE USAGE: KING COUNTY, 2020

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

FIGURE 7
ESTIMATED EXTENT OF REMEDIAL EXCAVATION

REPORT REVISED REQUEST FOR CONTAINED-IN DETERMINATION	PREPARED FOR AMERICAN PROPERTY DEVELOPMENT
	PROJECT NUMBER 450521.0001.0000
LOCATION TOTEM COMMERCIAL CENTER 12700 AND 12704 NE 124TH STREET KIRKLAND, WASHINGTON	DATE10/25/21 DRAWN BY RMC REVIEWED BY KW



NOTES:

SOIL BORING LOCATION

SOIL SAMPLE LOCATION

TOTAL DEPTH

INDICATES PCE WAS DETECTED IN SOIL AT A CONCENTRATION EXCEEDING THE CLEANUP LEVEL (≥ 0.05 MG/KG)

DOES NOT EXCEED LABORATORY REPORTING LIMIT (LRL) FOR PCE OF 0.025 MG/KG

REMEDIAL EXCAVATION AREA



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

FIGURE 8
CROSS-SECTION A-A'.

REPORT
REVISED REQUEST FOR
CONTAINED-IN
DETERMINATION

PREPARED FOR
AMERICAN PROPERTY DEVELOPMENT

LOCATION
TOTEM COMMERCIAL CENTER
12700 AND 12704 NE 124TH STREET
KIRKLAND, WASHINGTON

PROJECT NUMBER
450521.0001.0000

DATE 11/8/21
DRAWN BY KPC
REVIEWED BY KW