

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

October 14, 2022

Amirreza Gharoon Onni John Street (Land) LLC 112 Boren Avenue North Seattle, WA 98109

Re: Contained-In Determination for F002 Contaminated Soils at the Seattle Times Site Located at 1120 John Street, Seattle, Washington. Facility ID # 4377754; Cleanup Site ID # 14495; EPA ID # WAD009244831; Agreed Order # DE20468.

References: 1. Electronic Mail and Attached Request for Contained-In Determination from Jerry Boyd (TRC Companies) to Paul Bianco (Ecology), dated July 8, 2022.

- 2. Electronic Mail from Paul Bianco (Ecology) to Amirreza Gharoon (Onni John Street (Land) LLC) dated July 25, 2022.
- 3. Electronic Mail and Attached Additional Information from Jerry Boyd (TRC Companies) to Paul Bianco (Ecology), dated August 30, 2022.
- 4. Electronic Mail and Attached Additional Information from Jerry Boyd (TRC Companies) to Paul Bianco (Ecology), dated September 1, 2022.
- 5. Electronic Mail and Attached Additional Information from Jerry Boyd (TRC Companies) to Paul Bianco (Ecology), dated September 2, 2022.
- 6. Electronic Mail and Attached Additional Information from Jerry Boyd (TRC Companies) to Paul Bianco (Ecology), dated September 6, 2022.
- 7. Electronic Mail and Attached Additional Information from Joe Sherrod (TRC Companies) to Paul Bianco (Ecology), dated October 7, 2022.
- 8. Electronic Mail and Attached Additional Information from Joe Sherrod (TRC Companies) to Paul Bianco (Ecology), dated October 12, 2022.

Dear Amirreza Gharoon:

The Washington State Department of Ecology (Ecology) received a revised contained-in determination request from your environmental consultant, TRC Companies for specific F002 listed waste Trichloroethylene (TCE) contaminated soils to be excavated at the Seattle Times site on the property located at 1120 John Street, Seattle, Washington.

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Analytical data were submitted to Ecology to determine if these soils contaminated with F002 listed dangerous waste constituents may be exempt from management as dangerous wastes per the "Contained-In Policy". Ecology understands that these contaminated soils do not designate 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 **36,849 tons** of TCE contaminated soils to be excavated (**attached Figures 3 through 13**) are contaminated with F002 listed dangerous waste constituents (TCE) at concentrations that do not warrant management as dangerous wastes. Ecology will not require disposal of these **36,849 tons** of TCE contaminated soils as F002 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 fluid.

You or your environmental consultant, TRC Companies, shall:

- Ensure that no standing water is present within the containers or trucks holding the
 contaminated soils. All water must be removed to the maximum extent possible from each
 container or truck and managed as F002 dangerous wastes or as otherwise allowed under
 Chapter 173-303 WAC. Adding bentonite or similar materials to absorb standing F002 listed
 waste contaminated water in the containers 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 or transfer station permitted under Chapter 173-351 WAC and/or Chapter 173-350 WAC inside Washington State. If taken directly to the solid waste landfill, no off-loading of the contaminated soils is allowed between the cleanup site and the permitted solid waste landfill; If taken to the transfer station, the intermodal containers from the cleanup site will be loaded on to rail cars, removal of the contaminated soils from the intermodal container at the transfer station is not allowed;
- If you plan to deliver the contaminated soils to a <u>landfill outside Washington State</u>, you
 must FIRST submit to Ecology <u>written approval for the contaminated soil disposal from the
 State hazardous waste program and the out of state landfill</u>, **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.

¹ Washington State Department of Ecology Contained-in Policy, dated February 19, 1993

- Dispose of the contaminated soils at the permitted solid waste landfill by <u>February 28, 2023</u>.
 This contained-in determination letter is no longer valid after <u>February 28, 2023</u> and the contaminated soils shall be managed as dangerous wastes after this date;
- Provide copies of all <u>signed solid waste landfill receipts</u> or a certificate of disposal issued by the receiving landfill for these contaminated soils to Ecology, attention of Paul Bianco, by <u>April 30, 2023</u>. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid;
- Provide an itemized table of all TCE contaminated soils disposed of under this letter on a
 monthly basis beginning on <u>September 30, 2022</u> and ending on <u>February 28, 2023</u>. The
 table shall be submitted no later than the last day of each month to Ecology and <u>include at a
 minimum the following:</u>
 - o Date each contaminated soil shipment left the Site;
 - Date the contaminated soil shipment is received by the Ecology approved solid waste landfill;
 - Weight of each shipment of contaminated soil;
 - o Total of all contaminated soil shipments to the Ecology approved solid waste landfill;
 - Approximate percentage of the total contained-in soils removed from the site to date;
 - o Name and location of the solid waste landfill for each soil shipment.
- 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 extents shown on Figures 3 through 13 in this letter. Ecology needs to make sure that the additional soil qualifies for a contained-in determination;
- Notify Ecology via email at least five (5) days before removing the contaminated soils
 approved in this letter. This notice gives Ecology the option of observing the removal. If
 Ecology will observe the removal, we will notify you by phone or email at least 24 hours
 before the day the soil removal begins.
- 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 contaminated 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. This Ecology determination will be rescinded if Ecology finds that the information submitted by the property owner or its environmental consultant is materially false, misleading, otherwise does not accurately represent the site conditions, or if the Ecology requirements listed above are not followed.

This written decision only applies to the **36,849 tons** of specified TCE contaminated soils to be generated during excavation activities from areas described in your request (references 1, 3, 4, 5, 6, 7, and 8). It does not apply to any other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the above stated TCE contaminated soil according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) and 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 <u>not</u> a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Instead, this letter only addresses the procedures for disposal of the contaminated soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC). Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under 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 70A.300.090 and/or .120 (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,

Amirreza Gharoon October 14, 2022 Page 5

Christa Colouzis, PE

Corrective Action Unit Supervisor

Hazardous Waste and Toxics Reduction Program

Sent by Certified Mail: 9171 9690 0935 0233 2183 30

Enclosure: Figures 3 through 13

ecc: Jerry Boyd, TRC Companies

Thomas Morin, TRC Companies

Joe Sherrod, TRC Companies

Tim Hamann, Onni

Vianny Saucedo, Onni

JT Cooke, Houlihan Law

John Houlihan, Houlihan Law

Sunny Becker, Ecology

Greg Caron, Ecology

Ron Kaufmann, Ecology

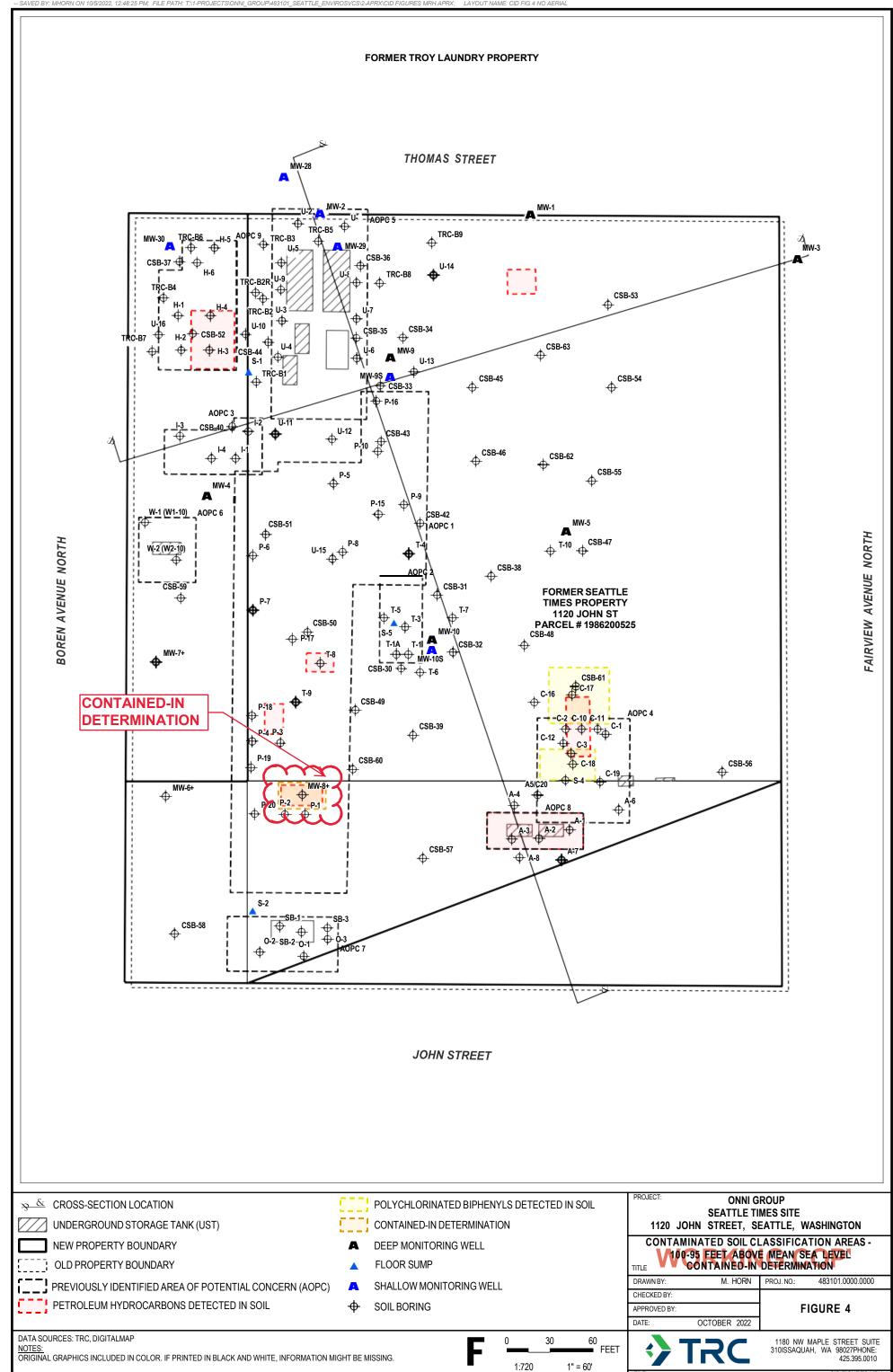
Donna Musa, Ecology

Elaine Snouwaert, Ecology

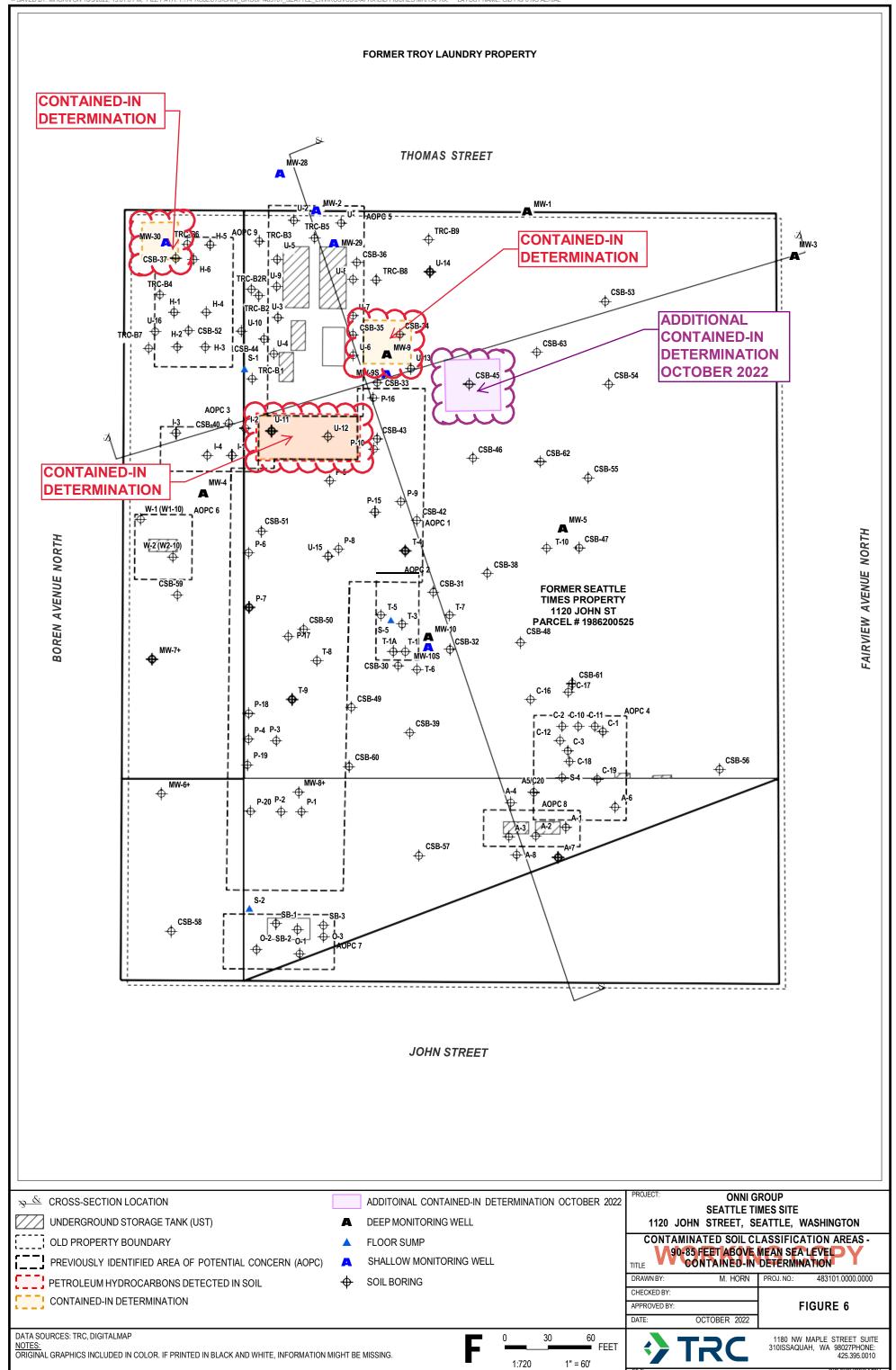
Michelle Underwood, Ecology

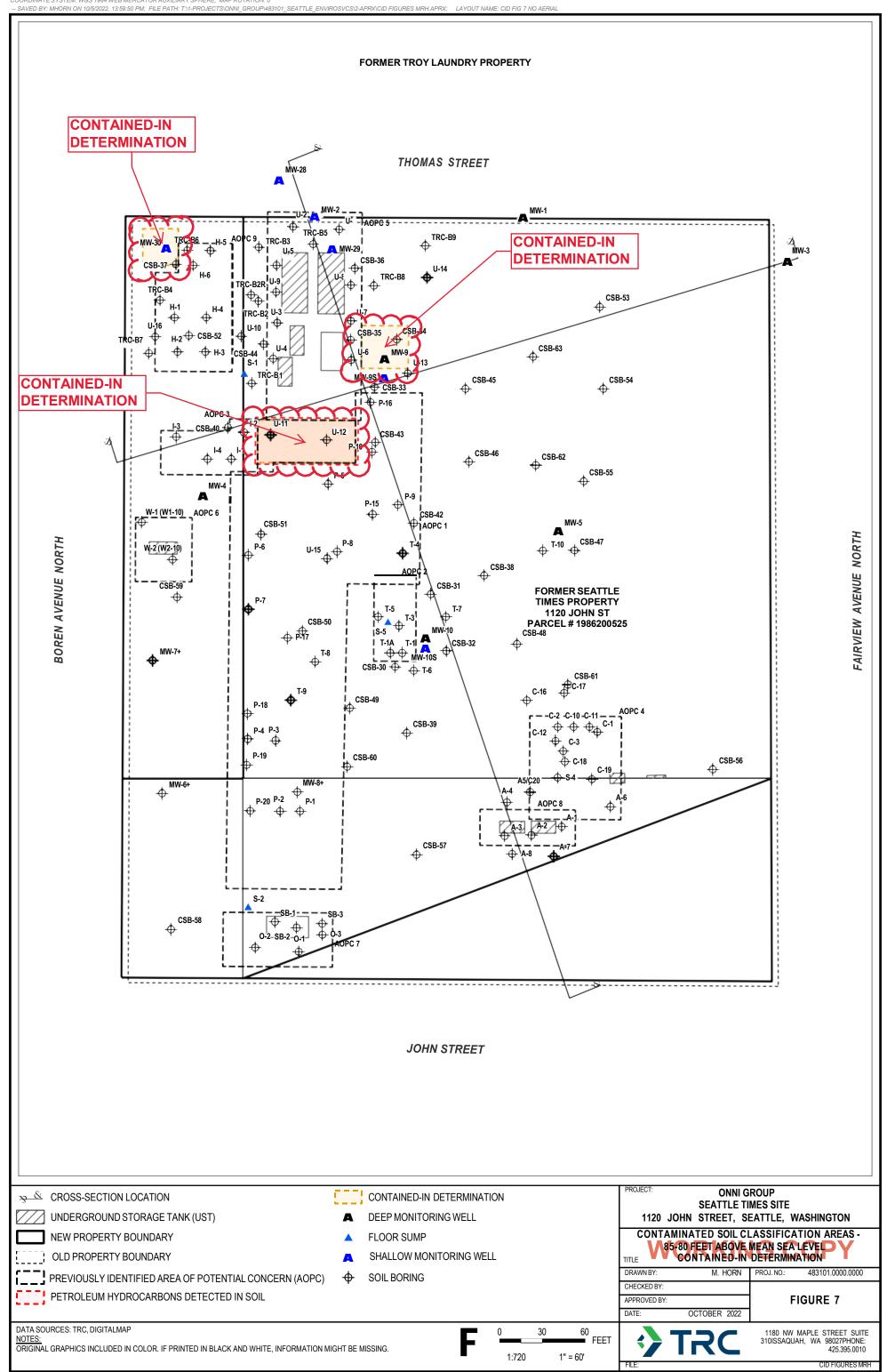
Kim Wooten, Ecology

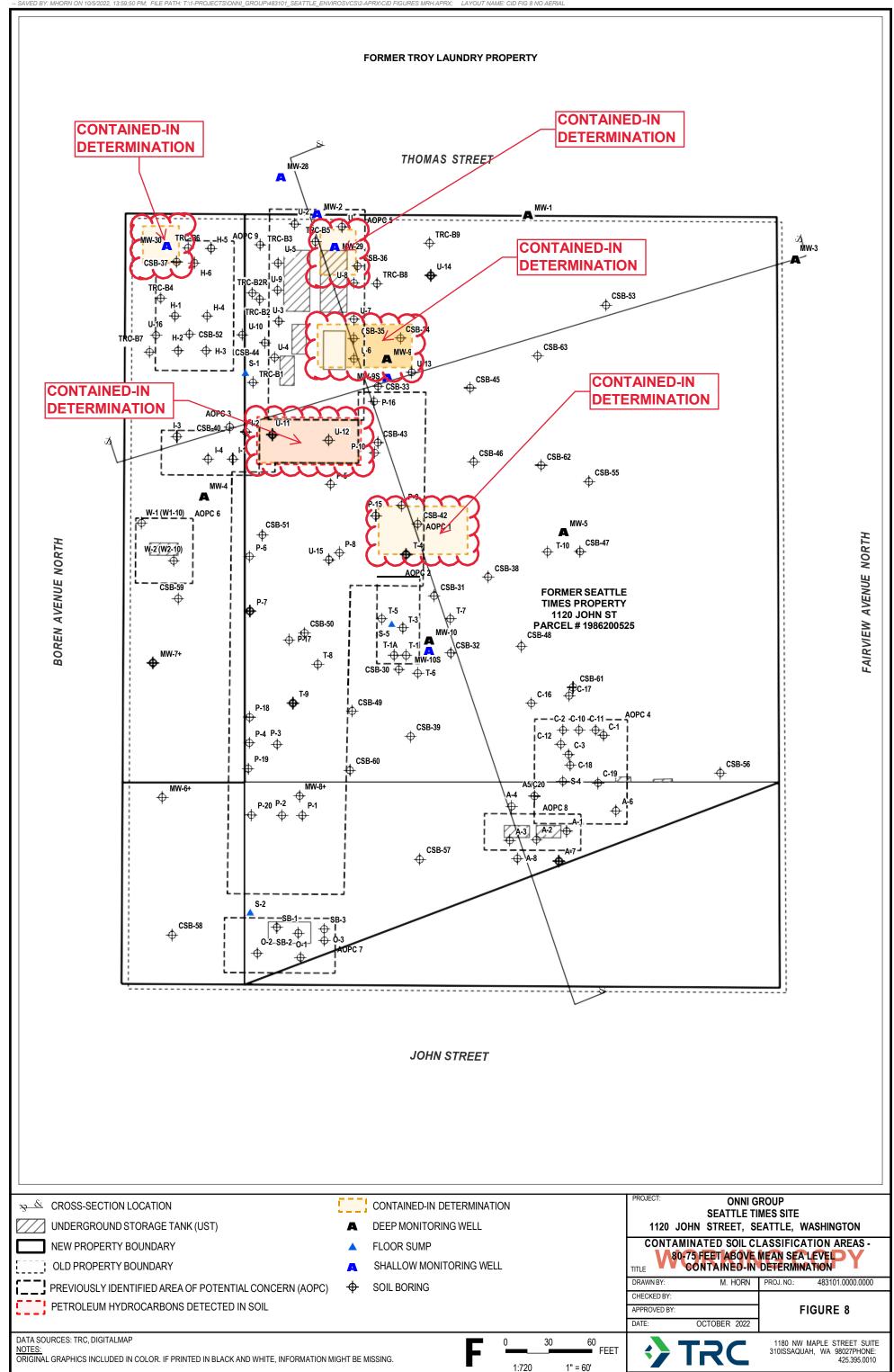
PREVIOUSLY IDENTIFIED AREA OF POTENTIAL CONCERN (AOPC) SHALLOW MONITORING WELL CHECKED BY: HAZARDOUS WASTE SOIL DETECTIONS **SOIL BORING** FIGURE 3 APPROVED BY: OCTOBER 2022 DATA SOURCES: TRC, DIGITALMAP 60 FEET 1180 NW MAPLE STREET SUITE 310ISSAQUAH, WA 98027PHONE: 425.395.0010 NOTES: ORIGINAL GRAPHICS INCLUDED IN COLOR. IF PRINTED IN BLACK AND WHITE, INFORMATION MIGHT BE MISSING. 1" = 60'

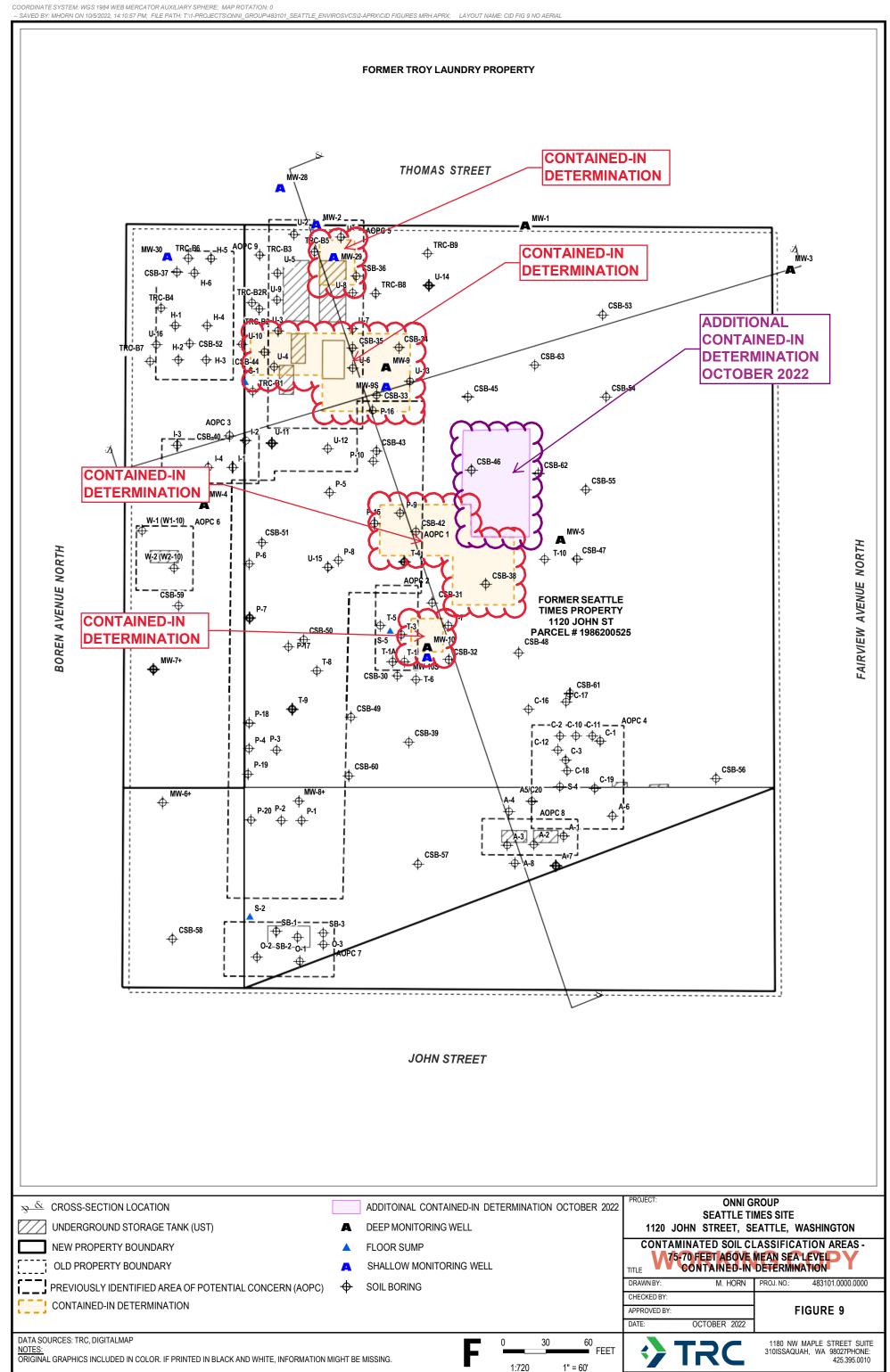


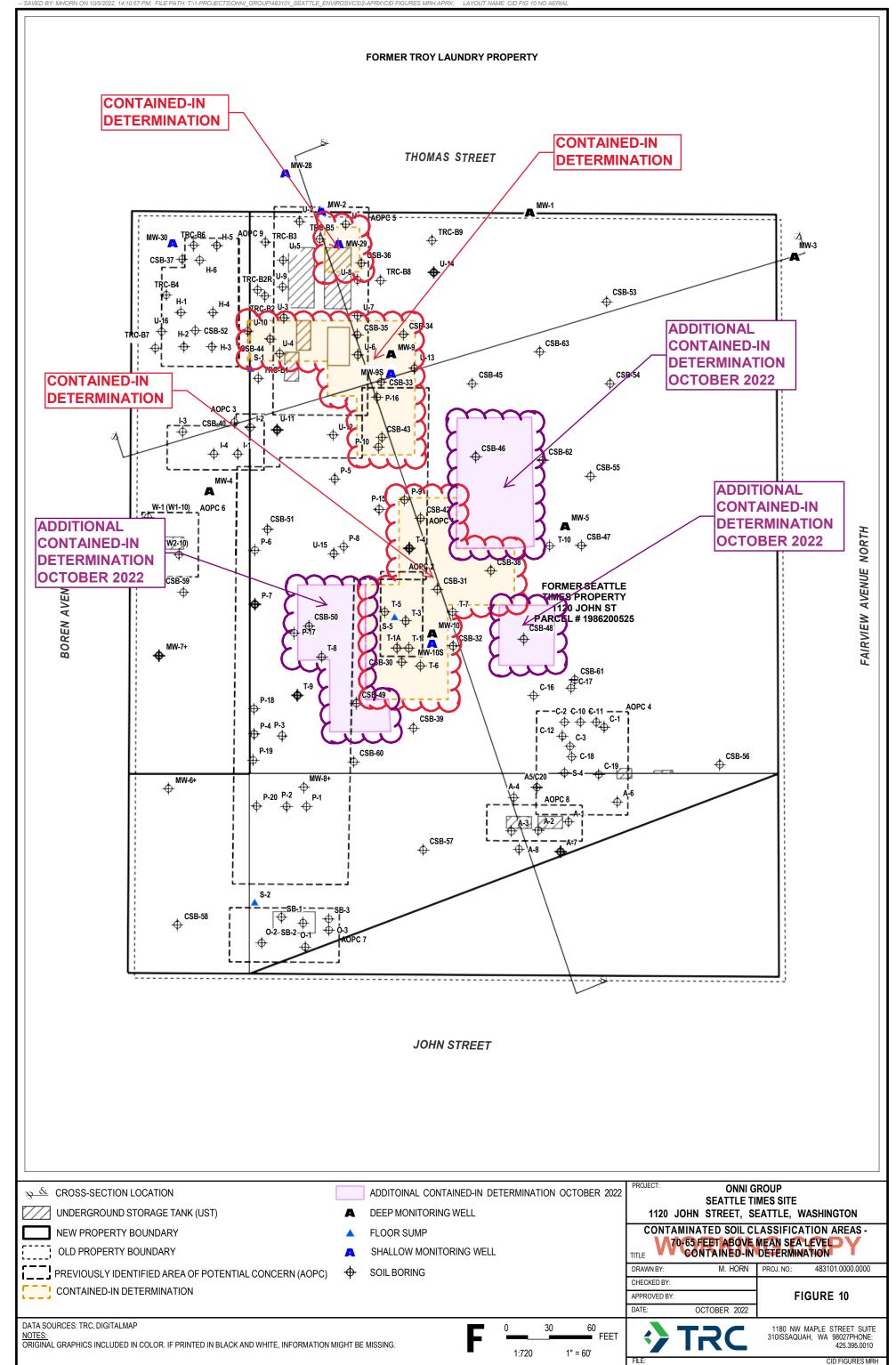
CID FIGURES MRH











OCTOBER 2022 60 FEET DATA SOURCES: TRC, DIGITALMAP 1180 NW MAPLE STREET SUITE 310ISSAQUAH, WA 98027PHONE: 425.395.0010 NOTES:
ORIGINAL GRAPHICS INCLUDED IN COLOR. IF PRINTED IN BLACK AND WHITE, INFORMATION MIGHT BE MISSING. 1" = 60' CID FIGURES MRH

