

Only these two areas (parcels) in orange are requested for Environmental Covenant removals

Responsiveness Summary

Environmental Covenant Removal

Bothell Landing, Bothell Former Hertz and Bothell Paint and Decorating Cleanup Site

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

March 2023



Publication Information

This document is available on the Department of Ecology's website at:

Bothell Landing - <https://apps.ecology.wa.gov/cleanupsearch/site/3013>

Bothell Former Hertz - <https://apps.ecology.wa.gov/cleanupsearch/site/7906>

Bothell Paint and Decorating - <https://apps.ecology.wa.gov/cleanupsearch/site/3051>

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Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

Response to Comments

Environmental Covenant Removal

Bothell Landing Site

Bothell Former Hertz Site

Bothell Paint & Decorating Site

Toxics Cleanup Program
Washington State Department of Ecology
Northwest Regional Office
Shoreline, WA

March 2023



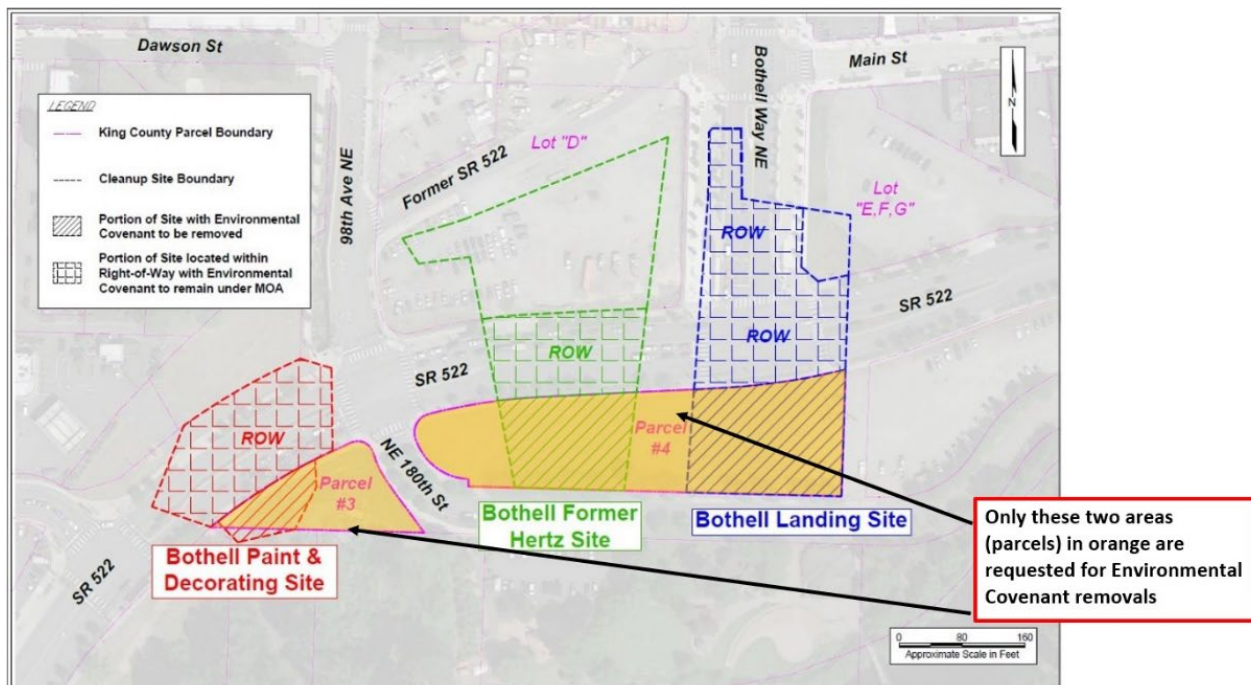
DEPARTMENT OF
ECOLOGY
State of Washington

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Public Outreach Summary

The Department of Ecology (Ecology) and the City of Bothell (City) propose to remove the environmental covenant for portions of the Bothell Landing, Bothell Former Hertz, and Bothell Paint & Decorating sites. Below is a map showing where the environmental covenants will be removed.



These three Bothell Sites are in the historic downtown area of Bothell. These Sites received Model Toxics Control Act cleanup grant funding from Ecology to help with the cost of the cleanup.

Environmental Covenant for Parcel 4- Bothell Landing and Bothell Former Hertz

Bothell Landing

The Department of Ecology (Ecology) and the City of Bothell (City) propose to remove environmental covenant for Tax Parcel 4.

South of SR 522, the southern half of Bothell Landing sites (18120, 18126, 18132 Bothell Way NE) lie on Tax Parcel 4 (King County Parcel number 9457200015). Parcel 4 had petroleum and arsenic impacts to ground water that exceeded cleanup levels. Parcel 4 is under a May 13, 2020, environmental covenant.

Bothell Former Hertz

The Department of Ecology (Ecology) and the City of Bothell (City) propose to remove environmental covenant for Tax Parcel 4.

South of SR 522, the southern half of Bothell Former Hertz (18030 Bothell Way NE lie on Tax Parcel 4 (King County Parcel number 9457200015). Parcel 4 had petroleum and arsenic impacts to ground water that exceeded cleanup levels. Parcel 4 is under a May 13, 2020, environmental covenant.

Environmental Covenant for Parcel 3 - Bothell Paint & Decorating

Bothell Paint & Decorating

The Department of Ecology (Ecology) and the City of Bothell (City) propose to remove environmental covenant for Tax Parcel 3.

The southern portion of the Bothell Paint and Decorating site, located at 18004 & 18005 Bothell Way NE, lies on a portion of Tax Parcel 3 (King County Parcel number 9457200072).

Public Outreach Activities

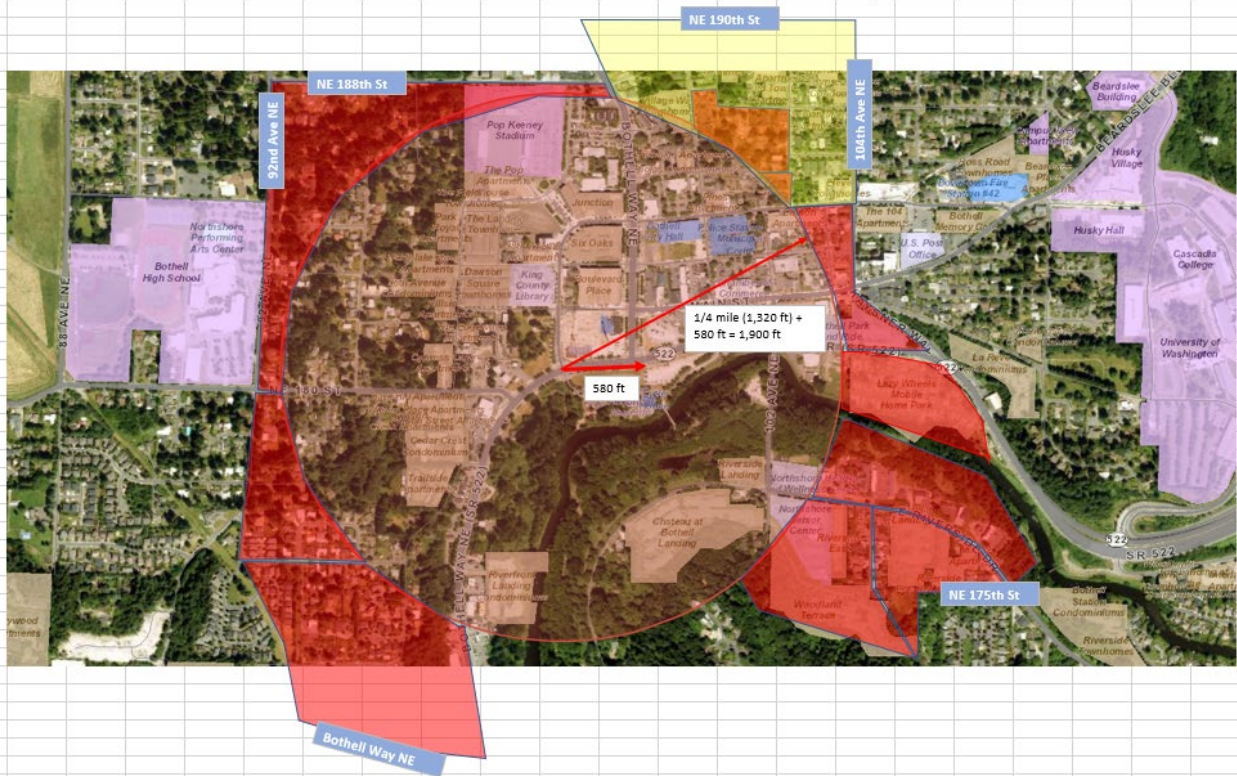
Department of Ecology's public involvement activities included working with the City of Bothell to promote the information to the residents living in the Bothell area regarding this project.

The 20-day comment period (January 19 - February 7, 2023) included the following activities:

Fact Sheet:

- A fact sheet with Spanish translations was mailed to residents and businesses within an approximately quarter mile radius around the Site (see page 7, a map of the area). A total of approximately 3,919 residents, neighboring businesses, City, County, state agencies, federal agencies, elected officials, Tribes, and other interested parties received the fact sheet notification.
- The fact sheet was also available online through Ecology's [cleanup site webpages](https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/all)² for Bothell Landing, Bothell Former Hertz, and Bothell Paint & Decorating.

² <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/all>



Display Ad Notice:

Ecology placed online ads with the Bothell Reporter newspaper company. The three environmental covenant removals were advertised for the entire comment period (January 19 – February 7, 2023).

Site Register:

Notices were published in the Ecology’s Toxics Cleanup Site Register on January 12, 2023, and January 26, 2023. Visit [Ecology’s Site Register website](#)³ to download PDFs.

Ecology Blog

A story was posted on [Ecology’s blog](#)⁴ on January 30, 2023.

City of Bothell E-News

A story was posted on [City of Bothell E-News](#)⁵ on February 1, 2023.

³<https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Topic&NameValue=Site+Register&DocumentTypeName=Newsletter>

⁴ <https://ecology.wa.gov/Blog/Posts/January-2023/Cleaning-up-Making-progress-in-downtown-Bothell>

⁵ <http://www.bothellwa.gov/CivicSend/ViewMessage/message/192832>

Websites:

- Ecology announced the public comment period [online](#)⁶ on all three cleanup websites for Bothell Landing, Bothell Former Hertz and Bothell Paint & Decorating.
- Ecology’s [Public Inputs & Events webpage](#)⁷.
- City of Bothell announced the public comment period [online](#)⁸
- City of Bothell [public events webpage](#)⁹

Document Repositories:

Copies of the review documents and fact sheet which includes translations along with the technical documents were available for review at Bothell Public Library, Ecology Northwest Regional Office, and City of Bothell – City Hall.

Comment Summary

Ecology received comments from seven commenters during the 20-day comment period.

Table 1: List of Commenters

	First Name	Last Name
1	Anonymous	Anonymous
2	Elan	Kirk
3	Melanie	Malone
4	Peter	Lennon
5	Pat	Pierce
6	Shannon	Cram
7	Ann	Aggard

⁶ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/all>

⁷ <https://ecology.wa.gov/Events/Search/Listing>

⁸ <http://bothellwa.gov/409/Downtown-Contaminated-Soil-Groundwater-C>

⁹ <http://bothellwa.gov/Calendar.aspx?EID=1773&month=1&year=2023&day=13&calType=0>

Next Steps

Ecology has reviewed and considered the public comments received on the documents. Based on Ecology's evaluation of the comments, no significant changes are being made. Therefore, the environmental covenant removal will become finalized.

See graphic below and visit Ecology's [cleanup process webpage](#)¹⁰ to learn more about Washington's formal cleanup process.

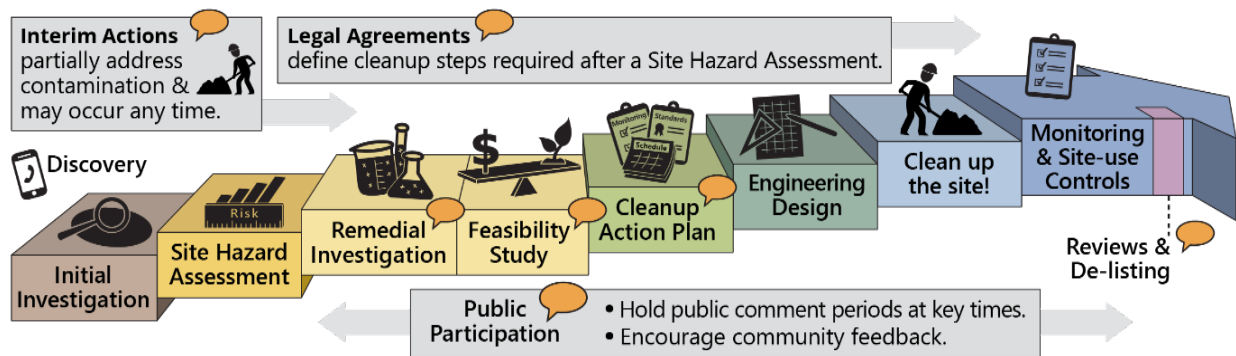


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹⁵)

Comments and Responses

The public comments are presented below, along with Ecology's responses. Appendix A, page 19 contains the comments in their original format. All comments were submitted online except one was submitted directly to the City of Bothell project manager.

Comment from: Anonymous Anonymous

Three comments on behalf of a local citizen following brief review of the materials for the down-gradient paint area. First, why were HVOCs dropped from the COC list after interim actions and not required as part of the long term monitoring requirement? "The investigations reportedly revealed that total petroleum hydrocarbons (TPH) as gasoline, diesel, and heavy oil, benzene, toluene, ethylbenzene, and xylenes (BTEX), select metals including arsenic, cadmium, lead, and mercury, halogenated volatile organic compounds (HVOCs), and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) were present in soil and or groundwater throughout the Site, often at concentrations exceeding Model Toxics Control Act (MTCA) cleanup levels (HWA, 2017a). Several interim remedial actions were reportedly conducted throughout the Site

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

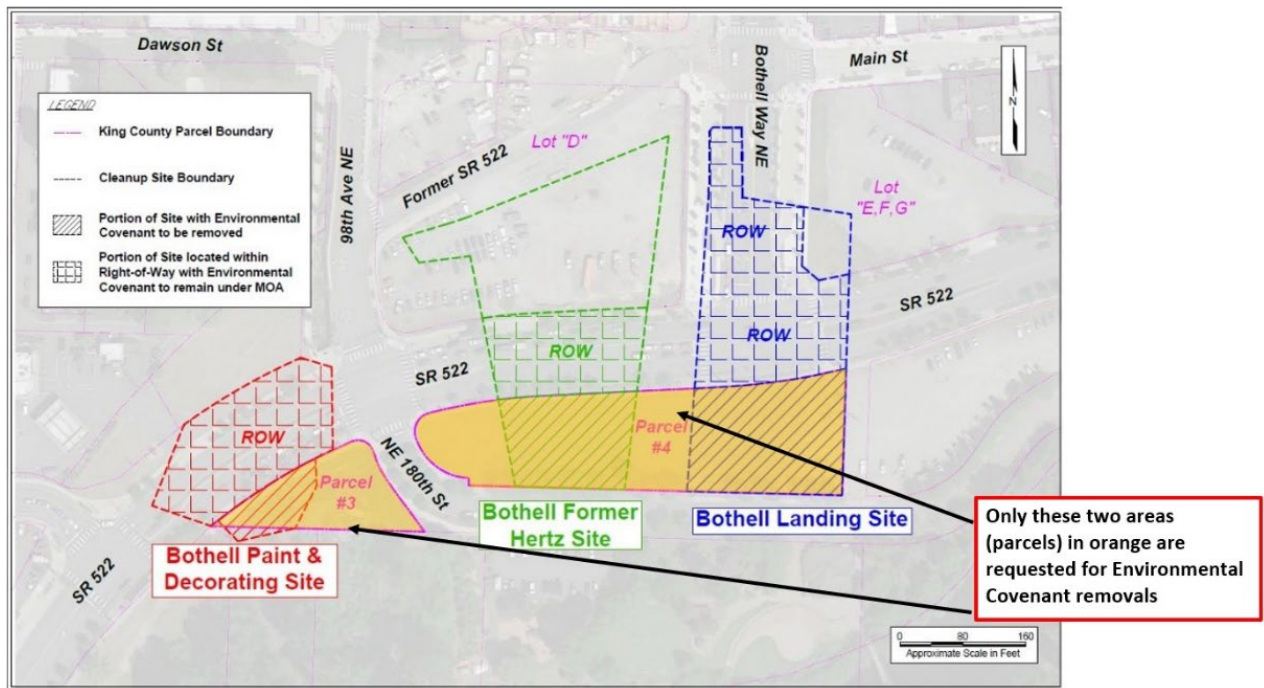
to address soil and groundwater contamination in 2010, 2013, and 2014." HVOCs were not in the final monitoring requirement but were historically used at paint facilities. Second, lube oil and Diesel fuel #2 were detected in some samples including duplicates. Sample quality should be examined. If accurate, those irregular petroleum detects indicate a seasonal smear zone might be at work. But various petroleum products detected indicates a broader range of analytes should be examined. Ideally this was done in the and simply not in the documents presented here. Finally, given the proximity to the salmon bearing Sammamish River, are the surface water and groundwater compliance points in the right places. No groundwater flow maps were provided to confirm the direction at the time of sampling. The monitoring point look too far south with not enough to the south-southwest.

Response:

HVOCs: Based on studies before the interim cleanups at the site, halogenated volatile organic compounds (HVOCs) were identified as contaminants of potential concern (COPC) in the *Draft Final Remedial Investigation/Feasibility Study Former Bothell Paint and Decorating Site Bothell, Washington* prepared by HWA GeoSciences, Inc. and dated August 10, 2017 (HWA 2017 RIFS). However, because HVOCs were never detected in site soil exceeding applicable Ecology cleanup levels during the two interim cleanups, HVOCs were dropped as a soil contaminant of concern at the site. HVOCs were never listed as a groundwater contaminant of concern.

Total Petroleum Hydrocarbon (TPH) Compounds: The presence of diesel and heavy oil range total petroleum hydrocarbon (TPH) compounds in groundwater likely represents a combination of residual petroleum products in soil and non-petroleum (naturally-occurring) hydrocarbon degradation products that are detected during the diesel and heavy oil range TPH analyses. When silica gel cleanup was applied prior to chemical analysis for several groundwater samples, the removal of non-petroleum hydrocarbons substantially decreased the reported concentrations of total diesel and heavy oil range TPH concentrations, indicating that a large proportion of the hydrocarbons were naturally-occurring.

Groundwater Flow Direction: As shown in Figure 4 of the HWA 2017 RIFS, groundwater at the site flows generally to the south and southeast toward the river. The river is approximately 300 feet from the site (HWA 2017). Based on the direction of groundwater flow at the site, the down-gradient groundwater monitoring wells were in the correct locations to monitor groundwater quality between the site and the river during and after the RIFS.

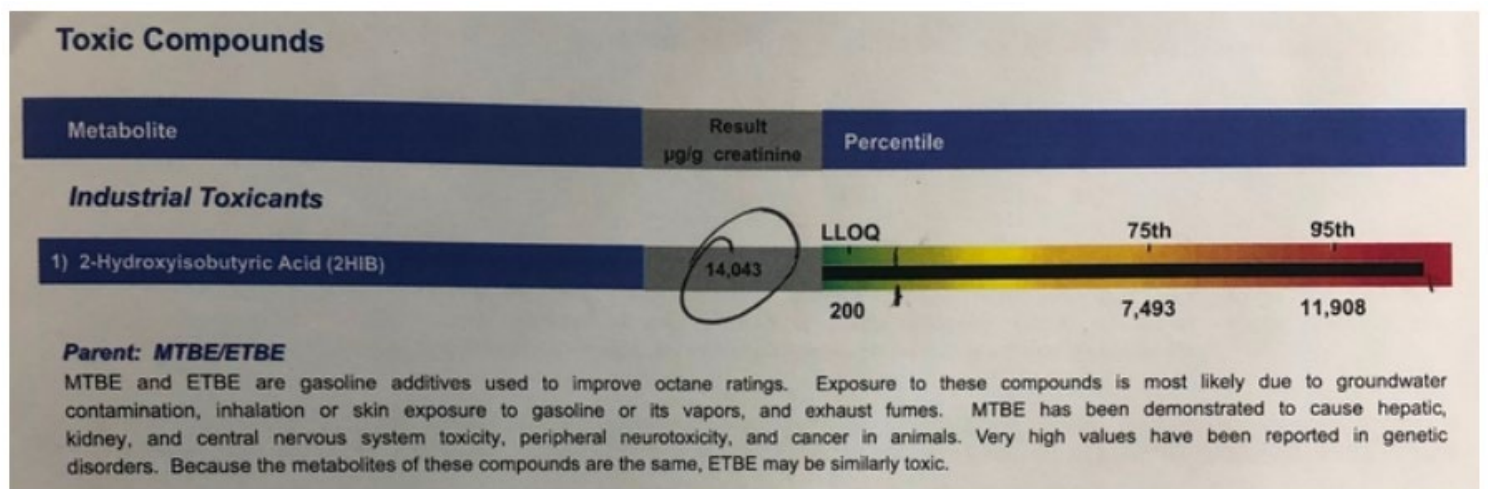
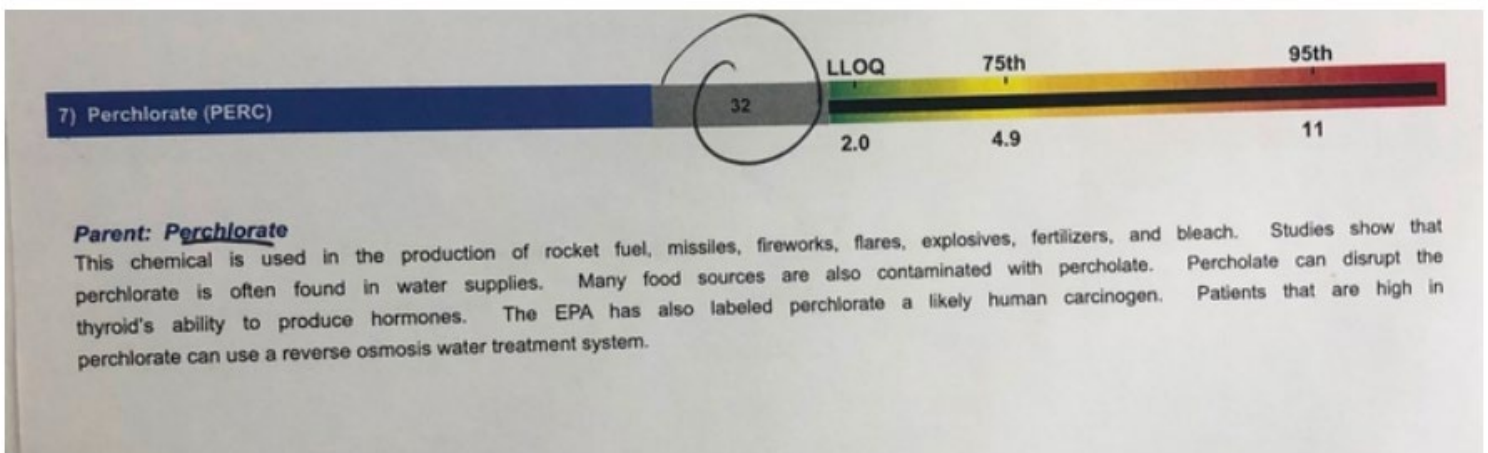


Please also note the following:

- The request for the removal of the environmental covenants follows multiple cleanup actions that started in 2010 and applies only for the portions of the three sites that are located within the City of Bothell – Parks and Recreation property located on two parcels (see figure above that was modified from the fact sheet).
- The remaining portions of the three sites will retain an environmental covenant for the parts that are outside of the public rights-of-way or will be covered by the City’s restrictive Contaminated Soil and Groundwater Protocol (Appendix E to the City’s Design and Construction Standards and Specifications) within the rights-of-way that includes the City’s Memorandum of Agreement with the Washington State Department of Ecology (Ecology).
- The three sites will not be de-listed from Ecology’s Formal Cleanup Program and will be obligated to undertake Ecology requirements such as Five-Year reviews.
- Other than for potential temporary construction dewatering, groundwater will not be extracted from the sites and will not be used for irrigation / agricultural uses.
- The City’s drinking/potable water for the downtown area, purchased from Seattle Public Utilities and sourced from the Tolt and Cedar River Watersheds, provides irrigation water for the City’s Parks and Recreation Department facilities.

Comment from: Elan Kirk

Elan Kirk First of all the information pamphlet is far too vague. The city wants to remove these environmental covenants but their reasons why don't clarify enough for me as a resident to feel comfortable with this proposed removal. What exactly does — shows localized and "naturally high" arsenic in some groundwater wells, mean? What levels are considered naturally high? And why aren't those numeric levels included in the pamphlet? Also it says that total petroleum hydrocarbons are sporadically detected...detected where? I'd also like to know who exactly it is who has decided that these levels aren't posing any human health risk to the public...I beg to differ. I live in downtown Bothell, and recently had a toxic compound blood profile done through a private lab, the results speak for themselves. In short I take issues with these proposed removals, and I would urge the city to think before they do something that might compromise the health of their residents.



Response:

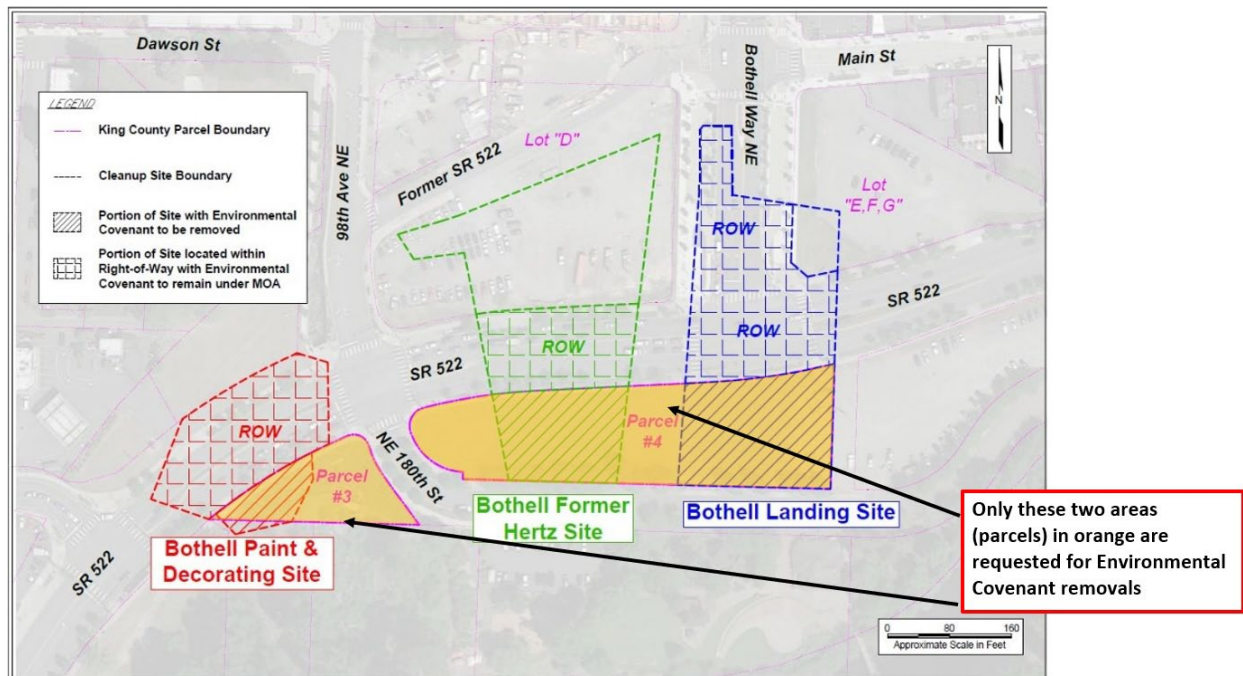
Arsenic: Although no formal studies have been performed to specifically determine the local background concentrations of arsenic or arsenic speciation in groundwater, reducing conditions (where the dissolved oxygen concentrations are depressed with other field parameters showing low pH, and negative oxidation-reduction potential) in many of the samples and the known presence of local peat deposits suggest that a significant contribution of arsenic in groundwater is naturally-occurring and that conditions favor mobilization.

Total Petroleum Hydrocarbon (TPH) Compounds: Ecology's website for Bothell's cleanup sites can be found at <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Bothell> that provide links to many technical documents for each of the sites that present a lot of data to include TPH analytical laboratory data. The presence of total petroleum hydrocarbon compounds in groundwater likely represents a combination of residual petroleum hydrocarbons in soil and non-petroleum (natural) hydrocarbon degradation products that are detected during the diesel and heavy oil range analyses. For some of the groundwater samples, the application of the silica gel cleanup process prior to the hydrocarbon laboratory analyses significantly reduced the concentrations of diesel and heavy oil range TPH concentrations, indicating that a large proportion of the hydrocarbons were naturally-occurring.

Blood Chemistry Results:

Perchlorate is an oxidizer used primarily for pyrotechnic devices and as a component for solid rocket propellants and was never considered as a contaminant of concern at the former Bothell Paint and Decorating, Hertz, or Landing sites because no historical types of processes or activities that would involve perchlorate occurred there.

MTBE was analyzed but not detected for several soil and groundwater samples during the early interim cleanup actions. Consequently, MTBE and ETBE were not carried forward as contaminants of concern at the former Bothell Paint and Decorating, Hertz, or Landing sites during the later remedial investigation / feasibility studies.



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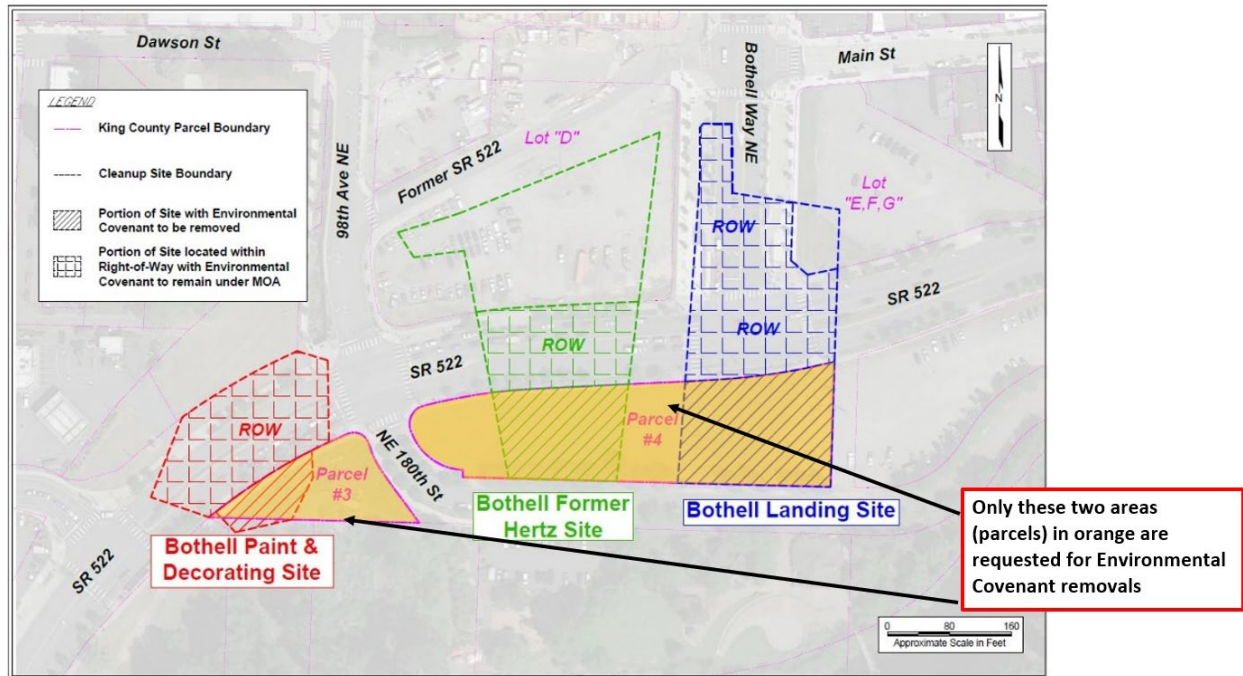
Comment from: Melanie Malone

Melanie Malone I do not support removal of the covenants without seeing the data and how frequently the TPH concentrations are being detected. There is not enough information in this short fact sheet (or on the links provided) that show the frequency of TPH concentrations (what is "sporadic", for example) or the concentrations of them. I also have concerns about removal of the groundwater wells for monitoring the naturally occurring arsenic levels in the wells. Have these arsenic samples been tested to verify that they are not compounds that are created (e.g. arsenates) and to confirm that they are indeed, natural? I know that both Washington and Oregon have higher arsenic levels, but industrial activity in the area also contributes to the background concentrations here. And will groundwater in the area be used for any irrigation or agriculture in the area? If so, the monitoring wells should remain to monitor both arsenic and TPH.

Response:

Total Petroleum Hydrocarbon (TPH) Compounds: Ecology's website for Bothell's cleanup sites can be found at <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Bothell> that provide links to many technical documents for each of the sites that present a lot of data to include TPH analytical laboratory results. The presence of TPH compounds in groundwater likely represents a combination of residual petroleum hydrocarbons in soil and non-petroleum (natural) hydrocarbon degradation products that are detected during the diesel and heavy oil range analyses. For some of the groundwater samples, the application of the silica gel cleanup process prior to the hydrocarbon laboratory analyses significantly decreased the concentrations of diesel and heavy oil range TPH concentrations, indicating that a large proportion of the hydrocarbons were naturally-occurring.

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- The City’s drinking/potable water for the downtown area, purchased from Seattle Public Utilities and sourced from the Tolt and Cedar River Watersheds, provides irrigation water for the City’s Parks and Recreation Department facilities.

Comment from: Peter Lennon

I agree with Ecology's decision that cleanup levels set for contaminants of concern have been met at the Site.

Response:

Thank you for your comment.

Comment from: Pat Pierce

Was the river and everything that lives in it considered?

Response

As presented in the Remedial Investigation/Feasibility Study Former Bothell Paint and Decorating Site Bothell, Washington prepared by HWA GeoSciences, Inc. and dated August 10, 2017 (HWA 2017 RIFS), the groundwater to surface water pathway was evaluated and no impacts to surface water have been observed from a release of contaminants of concern to the groundwater at the site.

Comment from: Shannon Cram

I am concerned that Ecology has not done enough to reach out to Spanish-speaking residents in the Bothell area. Please ensure that non-English speakers have received adequate and accessible notice of this comment period--and the work that has been completed near their homes. Thank you!

Response

Ecology worked with the City to make sure known Spanish-speaking areas near the project site received project information. The fact sheet mailed by Ecology included a paragraph about the project in Spanish and translation and interpretation services were offered.

Comment from: Ann Aggard

Scott:

Thank you for introducing yourself and for contacting me about these three important Clean Up Projects. As a long time residents of Bothell, we are very familiar with the former businesses on these sites.

I have read the Toxic Cleanup Report and the Environmental Covenant removal. It is unfortunate that contaminants remain in the groundwater under SR522. We understand that the site will not be delisted due to remaining right of way contamination— and that the City will undertake actions to control and monitor the remaining contaminants in the right of ways per/ MOA.

Response

Yes, the City of Bothell will continue to follow the Memorandum of Agreement with the Washington State Department of Ecology for the foreseeable future.

Appendices

Appendix A. Public comments in original format. Six comments through e-comments online and one comment to City of Bothell.

Anonymous Anonymous

Three comments on behalf of a local citizen following brief review of the materials for the down-gradient paint area.

First, why were HVOCs dropped from the COC list after interim actions and not required as part of the long term monitoring requirement? "The investigations reportedly revealed that total petroleum hydrocarbons (TPH) as gasoline, diesel, and heavy oil, benzene, toluene, ethylbenzene, and xylenes (BTEX), select metals including arsenic, cadmium, lead, and mercury, halogenated volatile organic compounds (HVOCs), and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) were present in soil and or groundwater throughout the Site, often at concentrations exceeding Model Toxics Control Act (MTCA) cleanup levels (HWA, 2017a). Several interim remedial actions were reportedly conducted throughout the Site to address soil and groundwater contamination in 2010, 2013, and 2014." HVOCs were not in the final monitoring requirement but were historically used at paint facilities.

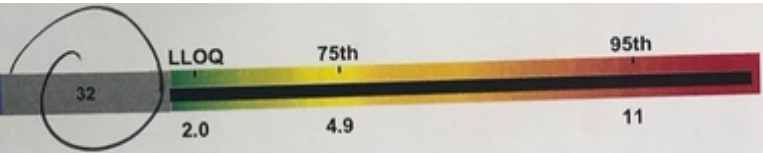
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7) Perchlorate (PERC)



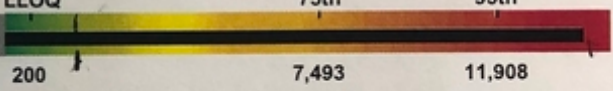
Parent: Perchlorate

This chemical is used in the production of rocket fuel, missiles, fireworks, flares, explosives, fertilizers, and bleach. Studies show that perchlorate is often found in water supplies. Many food sources are also contaminated with percholate. Percholate can disrupt the thyroid's ability to produce hormones. The EPA has also labeled perchlorate a likely human carcinogen. Patients that are high in perchlorate can use a reverse osmosis water treatment system.

Toxic Compounds

Metabolite	Result µg/g creatinine	Percentile
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Industrial Toxicants

1) 2-Hydroxyisobutyric Acid (2HIB)	14,043	
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Parent: MTBE/ETBE

MTBE and ETBE are gasoline additives used to improve octane ratings. Exposure to these compounds is most likely due to groundwater contamination, inhalation or skin exposure to gasoline or its vapors, and exhaust fumes. MTBE has been demonstrated to cause hepatic, kidney, and central nervous system toxicity, peripheral neurotoxicity, and cancer in animals. Very high values have been reported in genetic disorders. Because the metabolites of these compounds are the same, ETBE may be similarly toxic.

Melanie Malone

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