

PACIFIC CREST ENVIRONMENTAL, LLC

49520 SE MIDDLE FORK ROAD
NORTH BEND, WA 98045
425.888.9860

April 28, 2006

Mr. Mark H. Eden
Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue Northeast
Bellevue, Washington 98008-5452

RE: Response to Notification of Pending Inactive Determination Status
for the following Hazardous Waste Site enrolled in the Voluntary Cleanup Program:
Site Name: Gilmur/Hale Family Trust (Duwamish Marine Center)
Address: 6365 1st Avenue South, Seattle, Washington 98108
Facility/Site No.: 21945598
VCP No.: NW0892

Dear Mr. Eden:

This letter has been prepared by Pacific Crest Environmental, LLC (Pacific Crest), on behalf of the Gilmur/Hale Family Trust, to provide the Washington State Department of Ecology (Ecology) with a response to the *Notification of Pending Inactive Determination Status* dated March 31, 2006 (Notification) for the property located at 6365 1st Avenue South in Seattle, Washington (Site). This letter includes a Site description and summary of the soil and groundwater investigation and interim cleanup activities conducted at the Site under the Voluntary Cleanup Program (VCP). Additionally, this letter presents an overview of the additional activities proposed to be conducted to obtain an advisory opinion from Ecology stating that the risk-based remedial actions presented herein are likely to be sufficient to meet the specific substantive requirements of the Model Toxics Control Act Cleanup Regulation (MTCA) and its implementing regulations, Chapter 70.105D of the Revised Code of Washington (RCW) and Chapter 173-340 of the Washington Administrative Code (WAC).

The information summarized herein is based on Pacific Crest's review of the following reports prepared for the Site by others:

- *Phase I Environmental Audit*, dated January 17, 2000, prepared by Environmental Associates, Incorporated;
- *Preliminary Phase II Subsurface Investigation*, dated September 13, 2000, prepared by The Riley Group, Inc.;
- *Site Closure Report for the Gilmur/Hale Property*, dated September 25, 2002, prepared by Farallon Consulting, LLC (Farallon);
- *Site Closure Report Addendum*, dated January 23, 2003, prepared by Farallon; and

- *Report of Compliance Monitoring and Request for No Further Action Determination for Groundwater and Soil* dated December 8, 2004, prepared by Farallon.

SITE DESCRIPTION

The Site is located in the northeast quarter of Section 30, Township 24 North, Range 4 East in Seattle, Washington. The Site is located on the east side of the Duwamish Waterway, between Slip No. 2 and Slip No. 3, in an area zoned for industrial use. The Site is used for the storage of a variety of construction and marine-related equipment and materials, including ship/boat parts; vehicles, electric generators, empty aboveground storage tanks, concrete rip-rap, pallets, metal debris, and other heavy equipment. The Site and surrounding areas are zoned General Industrial by the City of Seattle, and meet the criteria for industrial land use under MTCA (WAC 173-340-200 and 173-340-745[1]).

GEOLOGY AND HYDROGEOLOGY

Published geologic maps for the Site vicinity (Galster and Laprade 1991) indicate that the material underlying the Site consists of "Urban Land," which is described as "land which has been extensively modified by excavation, filling, dredging and construction." The Site topography is nearly flat and is located at an elevation of approximately 10 feet above mean sea level, in the former Duwamish River floodplain.

The Site is composed of fill consisting of reworked fine-grained alluvial deposits, including silts, sands, and silty sands with minimal gravel and various types of debris to 16.5 feet below ground surface (bgs), which is the maximum depth explored at the Site. The debris reportedly encountered includes concrete rip-rap, wood debris, plastic, metal, rubber, brick, and glass.

Groundwater is encountered at depths ranging from approximately 7 to 11.5 feet bgs in the monitoring wells installed at the Site. Due to the close proximity of the Site to the Duwamish Waterway and Elliott Bay, groundwater levels at the Site fluctuate in response to tidal effects within these surface water bodies. The direction of groundwater flow beneath the Site is to the west under a hydraulic gradient which has ranged from approximately 0.01 to 0.005 foot/foot during historical groundwater monitoring events conducted at the Site. Due to the tidal influence, the east to west gradient becomes steeper at low tide and more gradual at high tide.

SITE HISTORY

The Site has been utilized as an industrial property for more than 50 years. During this period, businesses operations at the Site included marine railway/shipyard, a marine-related machine shop, a junk dealer, and construction companies. The placement of fill material composed of reworked sediment from the Duwamish Waterway was reportedly conducted periodically at the Site throughout most of the 1900s. The placement of the fill material resulted in the extension of the upland area of the Site, and the reconfiguration of the shoreline during this period. The sediment within the Duwamish Waterway has been documented to contain concentrations of polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons, priority pollutant metals, and other contaminants at concentrations exceeding MTCA cleanup levels.

PREVIOUS INVESTIGATIONS

The soil and groundwater analytical data collected at the Site during investigations conducted by others were compared to appropriate cleanup levels to determine Site-specific indicator hazardous substances (IHSs) for soil and groundwater. The IHSs selected for soil and groundwater include total petroleum hydrocarbons (TPH) as diesel-range organics, TPH as oil-range organics, copper, mercury, and PCBs (Farallon 2003).

A risk-based evaluation of exposure pathways to potential receptors concluded that the pathways associated with IHSs in soil at the Site could be excluded through the implementation of engineered barriers and institutional controls. Further, it was proposed in the *Site Closure Report Addendum* that the groundwater to surface water pathway could be excluded using empirical data to demonstrate compliance with surface water cleanup levels for the IHSs.

Ecology issued a response to the *Site Closure Report Addendum* in correspondence dated August 13, 2003 stating that Ecology was prepared to issue an NFA determination for the soils at the Site pursuant to implementation of the cleanup action recommended in the report. In addition, Ecology's August 13, 2003, response letter stated that a conditional NFA for groundwater could be issued over the portion of the Site for which groundwater is not indicated to be contaminated, and that four consecutive quarterly groundwater sampling events at the approved point of compliance (monitoring well MW-3) would be sufficient to demonstrate groundwater compliance at the Site.

Four consecutive quarters of groundwater sampling in monitoring well MW-3 was subsequently conducted at the Site on the following dates: November 5, 2003; February 6, 2004; May 12, 2004; and August 20, 2004. The compliance groundwater analytical results confirmed that groundwater discharging into surface water at the Site is compliant with the cleanup levels established for the IHSs, therefore, the groundwater to surface water exposure pathway was eliminated.

Risk management procedures and institutional controls have been developed to mitigate potential risks to human health and the environment associated with the remaining potential exposure pathways at the Site (i.e., direct contact with soil; contaminant leaching from soil to groundwater; and groundwater ingestion). The proposed risk management procedures and institutional controls include:

- Capping the Site with an impermeable surface which will include a stormwater conveyance system. The installation of the impermeable surface will include maintenance standards sufficient to meet the requirements for an exclusion to the terrestrial ecological evaluation (WAC 173-340-900, Table 749-2) from Ecology.
- Implementation of an institutional control in the form of a property deed restriction which will be placed on the Site to ensure long-term maintenance of the risk management procedures (WAC 173-340-440).
- Implementation of an institutional control in the form of a property deed restriction which will restrict the future use of groundwater beneath the Site for use as a potable water resource (WAC 173-340-440).

Following review of the *Report of Compliance Monitoring and Request for No Further Action Determination* report, Ecology issued a response letter dated June 1, 2005, which apparently rescinds the opinions provided in previous correspondences by Ecology (Attachment A).

RECENT ACTIVITIES

Activities conducted pursuant to the Site cleanup over the past year have included the following:

- Review of the June 1, 2005 Ecology response letter; and
- Evaluation of potential benefits and potential courses of action for managing the Site cleanup under the VCP Program.

CONCLUSIONS

Pacific Crest is requesting that Ecology prepare an advisory Opinion Letter stating that implementation of the risk-based remedial actions presented to eliminate exposure pathways are likely to be sufficient to meet the specific substantive requirements of MTCA and its implementing regulations, RCW 70.105D and WAC 173-340. Because implementation of the risk-based cleanup action will be protective of human health and the environment, Pacific Crest believes that this is an appropriate course of action to obtain this Opinion Letter under MTCA. Following receipt of the Opinion Letter, the risk-based cleanup action will be implemented at the Site, and appropriate documentation will be provided to Ecology.

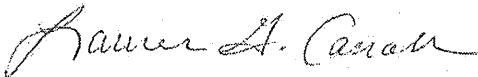
Additionally, Pacific Crest has noted that the detail of Site activity presented in the Notification is in error. The Site activities conducted following the date of the VCP application have been documented in the three reports completed since 2002, as referenced herein, which have been submitted to Ecology.

CLOSURE

We trust that this correspondence provides the information you require at this time. If you have any questions regarding the information provided herein, please contact Lauren Carroll at 425.888.4990.

Sincerely,

PACIFIC CREST ENVIRONMENTAL, LLC



Lauren G. Carroll, L.H.G.
Principal Hydrogeologist

Attachment A: Ecology Letter, June 1, 2005

cc: Mr. Jim Gilmur

LGC:MB