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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

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September 28, 2023

Elisabeth Silver, L.G.
Atlas Technical Consultants
6347 Seaview Avenue NW
Seattle, WA 98107
(Elisabeth.Silver@oneatlas.com)

**Re: Ecology Review of Block 37 Independent Action Report dated August 31, 2023
Facility Site ID 46445373, Cleanup Site ID 6134, 600-630 Westlake Ave N, Seattle, WA**

Dear Elisabeth:

Thank you for submitting the *Block 37 Independent Action Report* dated August 31, 2023 (Independent Action Report), documenting subsurface investigation and groundwater monitoring activities and results for the Block 37 site (Site). Those activities were performed during 2021 and 2022 as an independent action consistent with the Model Toxics Control Act (MTCA), WAC 173-340-515(2), and in conjunction with geotechnical investigation work associated with planning and design for redevelopment of the Block 37 property. The Washington State Department of Ecology (Ecology) was given advance notification of these activities in March 2021 and January 2022, but did not provide formal oversight of the work under Agreed Order No. DE 19430 (AO), which became effective for the Site on May 4, 2021. Ecology determined that such actions would not foreclose or preempt the remedial actions that were being negotiated for the AO (2021 activities) nor would they foreclose the selection of a cleanup action for the Site.

Ecology has completed review of the Independent Action Report and will keep a copy of it with the project file. Regarding the information contained in the report, we are providing the following comments:

- Section 2.2 indicates that advancement of borings and installation of monitoring wells B-37-3 through B-37-7 is documented in a report prepared by GeoEngineers, Inc. entitled *Geotechnical Master Use Permit Report, Block 37-South Lake Union Development, Seattle, Washington* dated February 8, 2022. Please provide a copy of the GeoEngineers report to Ecology for our records.
- Section 2.6.3 indicates that Atlas collected groundwater samples for analysis from monitoring wells MW-209 through MW-218 during the second quarter event performed in May 2022. However, no analytical data from the May 2022 event are shown for these wells in the tables, figures, and appended laboratory analytical reports. Based on email communications with you on September 18 and 19, 2023, you confirmed that Atlas did not collect groundwater samples during the May 2022 event.

- Section 4.1 indicates that the laboratory analytical reports for the soil samples collected from borings B-37-3 through B-37-9 and PH-1 through PH-4 are included in Appendix E of the report. Based on our review, only the laboratory reports for PH-1 through PH-4 are included in Appendix E. That appendix does not appear to contain any laboratory analytical reports for the soil samples from B-37-3 through B-37-9, which were collected in 2021. Upon further review of our files, the lab reports for the 2021 soil samples from B-37-3 through B-37-9 were provided to Ecology in the June 6, 2021 progress report that was submitted to Ecology under the AO. The purpose of this comment is to provide clarification of where those laboratory analytical reports can be found.
- Section 4.2 indicates that the laboratory analytical reports for the groundwater samples collected in 2021 and 2022 are also included in Appendix E of the report. Based on our review, only the laboratory reports for groundwater samples collected in 2022 are included in Appendix E. That appendix does not appear to contain any laboratory analytical reports for the 2021 samples. As was noted in the above bullet for the soil samples, the lab reports for the 2021 groundwater samples were also provided to Ecology in the June 6, 2021 progress report that was submitted to Ecology under the AO. The purpose of this comment is to provide clarification of where those laboratory analytical reports can be found.
- The second to last bullet under Section 4.2 suggests that “arsenic is likely a regional issue and not related to historical releases from the Block 37 Site.” Ecology does not fully concur with this statement. The elevated arsenic concentrations at the Site could be present due to altered geochemistry caused by the presence of petroleum hydrocarbons that were historically released at the Site. Further study is needed to evaluate the source of the elevated arsenic in groundwater at the Block 37 Site.
- Figure 4-2g, which is listed under Attachments with the title of “2022 Groundwater Total and Dissolved Metals Concentrations” is missing from the document. Since this is a copy of the same figure that is provided in the Remedial Investigation Work Plan, you do not need to provide the figure. Ecology will place a copy of that figure with the independent action report in our file.

Ecology appreciates the effort that your team has put into collecting additional data to support and inform the scope of work for the remedial investigation of the Site. We look forward to continuing to work with you on this project and meeting future requirements of the Agreed Order. If you have any questions regarding the contents of this letter please contact me at (425) 457-3143 or tena.seeds@ecy.wa.gov.

Regards,



Tena Seeds, PE
Cleanup Project Manager
Toxics Cleanup Program, NWRO

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