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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office
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October 2, 2023

Rosalie Merks
AAA Management LLC
1450 Frazee Road, Suite 409
San Diego, CA 92108
(rmerks@aaamanagementllc.com)

RE: Rescission of No Further Action (NFA) Status for the following Cleanup Site:

- Name: Garden Plaza
- Address: 500 and 535 Park Avenue North, Renton, WA
- Facility/Site No.: 2475
- Cleanup Site No.: 3049

Dear Rosalie Merks:

The Model Toxics Control Act (MTCA), Chapter 70A.305 Revised Code of Washington, which governs the cleanup of hazardous waste sites in Washington State, requires the Department of Ecology (Ecology) to conduct a periodic review approximately every 5 years for cleanup sites with institutional controls (a restrictive covenant) and a 'No Further Action' (NFA) status. This letter serves to inform you that a periodic review has been conducted at the Garden Plaza cleanup site (Site).

Periodic Review

The purpose of the periodic review is to evaluate whether human health and the environment are being protected at the Site. The complete findings and conclusions of the periodic review are provided in the attached report. Select portions of the periodic review's conclusions are summarized below.

- Ecology's 2001 NFA opinion letter and the 2001 Restrictive Covenant indicate that total petroleum hydrocarbons (TPH) were remediated in soil and groundwater, and identified the remaining contaminants and media of concern as vinyl chloride and arsenic in groundwater only. Ecology's 2001 NFA indicated that activity and use restrictions were no longer necessary for soil and TPH impacts, which resulted in the 2001 covenant. However, site investigations conducted in 2017 and 2021 found additional contaminants of concern (cPAHs, PCBs, and naphthalene above soil cleanup levels) that were not previously analyzed, and additional areas of TPH contamination above soil and groundwater cleanup levels.
- Ecology's 2001 Site NFA opinion letter and the 2001 Restrictive Covenant do not accurately represent current Site conditions. The remedy and Restrictive Covenant may not be effective long-term in protecting human health and the environment from the remaining contaminated soil since soil restrictions were removed by the 2001 covenant.

NFA Rescission

Since the remedy may not be effective long-term in protecting human health and the environment, Ecology has determined that the 2001 Site NFA determination should be rescinded. The effective date of the rescission is the date of this letter.

Ecology will update its database to reflect that Ecology has rescinded the 2001 Site NFA determination for this Site. The Site will be re-listed on the Confirmed & Suspected Contaminated Sites List (CSCSL).

Next Steps

Ecology recommends that you re-enroll in the Voluntary Cleanup Program (VCP) regarding additional characterization and/or cleanup actions that may be required to comply with MTCA. The VCP helps property owners who are independently cleaning up their site by providing technical assistance and opinions on planned and completed cleanups.

Please contact Sonia Fernandez at the email provided below regarding eligibility criteria to re-enroll in Ecology's Voluntary Cleanup Program (VCP)[1].

Restrictive Covenant

The Restrictive Covenant was recorded with King County on June 1, 2001 and remains active. The Restrictive Covenant prohibits activities that may result in the release or exposure of contaminants that remain on the property (unless Ecology's approval is obtained in advance). It is the property owner's responsibility to continue to inspect the property to assure that the integrity of the 2001 remedy is maintained, in accordance with the Restrictive Covenant.

Redevelopment

You indicated that you intend to demolish one of the buildings and redevelop a portion of the property in the future. This will require advanced approval from Ecology, based on the terms of the Restrictive Covenant, since excavation activities and/or removal of the cap could release or expose contaminants. It is recommended that you enroll in the VCP as soon as possible with your redevelopment request and work plans in order to avoid delays with your project.

If you have any questions regarding this letter or the periodic review, please contact the periodic reviewer Tamara Welty by email at tamara.welty@ecy.wa.gov or by phone (425) 256-1449.

Sincerely,

Tamara Welty

Tamara Welty, LG, LHG
Toxics Cleanup Program, NWRO

Enclosures: Periodic Review Report

cc: Sonia Fernandez, VCP Coordinator, NWRO (sonia.fernandez@ecy.wa.gov)
Nick Treat, VCP Unit Supervisor, NWRO (nick.treat@ecy.wa.gov)
Kim Wooten, TCP Section Manager, NWRO (kim.wooten@ecy.wa.gov)

[1] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanups/Voluntary-Cleanup-Program