



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 30, 2006

John M. McFarland
9360 Forest Ct. SW
Seattle, WA 98136

**Re: Partial Sufficiency and Further Action Determination under
WAC 173-340-515(5) for the following Hazardous Waste Site:**

- Name: Upper Hudson Street Site
- Address: 4815 15th Ave. SW, Seattle WA 98106
- Facility/Site No.: 6149702
- VCP No.: NW1585

Dear Mr. McFarland:

Thank you for submitting your independent remedial action report for the Upper Hudson Street Site facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

- This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Excavation Complete Report Upper Hudson Street Site dated March 2, 2006 by SESCO Group.
2. Battery Casing Excavation Completion Report Upper Hudson Street Site dated May 18, 2006 by SESCO Group.

John M. McFarland
July 30 2006
Page 2 of 3

3. Site Visit Summary Upper Hudson Street Site dated April 6, 2006 by SESCO Group.
4. Site Assessment Completion Report Upper Hudson Street Site dated May 18, 2006 by SESCO Group.

The documents listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425.649.7054.

The Site is defined by the extent of contamination caused by the following release(s):

- Cement Kiln Dust (CKD) in soil.
- Lead & Arsenic in soil

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, Ecology has determined that the independent remedial action(s) performed at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.10SD RCW and Chapter 173-3.40 WAC, for characterizing and addressing the following release(s):

- CDK in soil for the area excavated.

However, the independent remedial action(s) performed at the Site are not sufficient to meet MTCA's substantive requirements for characterizing and addressing the following release(s):

- Lead in soil:
- CDK in soil for the southern portion of the property labeled "Inaccessible-Pallets with Concrete" and "Inaccessible-Area with Debris", see Enclosure A.

Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at this Site under MTCA.

Excavation of battery casing material and soils stopped at the SW Edmonds Street Right-of-Way where side wall analysis demonstrated that the cleanup of Lead and Arsenic from the battery casing material was not complete at the "site". Arsenic data taken at BC-1/TP-16 located within SW Edmonds Street Right-of-Way was 25.7ppm & Lead data at this location was 1,220ppm.

John M. McFarland
July 30 2006
Page 3 of 3

Lead at BC-9 & BC-10 located on the excavation wall at the Right-of-Way was 476ppm & 495/306ppm respectively.

Further Action is required to remove all lead contaminated soils at the site. Additionally, further investigation is required for the southern portion of the property labeled on attached map as "Inaccessible-Pallets with Concrete" and "Inaccessible-Area with Debris" in order to determine if all the CKD has been addressed.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at 425.649.4446.

Sincerely,

JL /
Dale Myers
NWROToxics Cleanup Program

DM:nr

Attachment

cc: JeffBetebitsky, SESCO Group

NOTE: This opinion letter constitutes a new form letter under which Ecology will issue technical consultation and advice pursuant to WAC 173-340-515. This opinion letter changes certain terminology to more closely reflect MTCA and its implementing regulations. This opinion letter takes the place of, and is functionally equivalent to, the "interim" or "conditional" No Further Action (NFA) letters issued by Ecology in the past.

LEGEND



⊕ Test Pit
TP-14

⊕ Further CKD
A Removal Sample

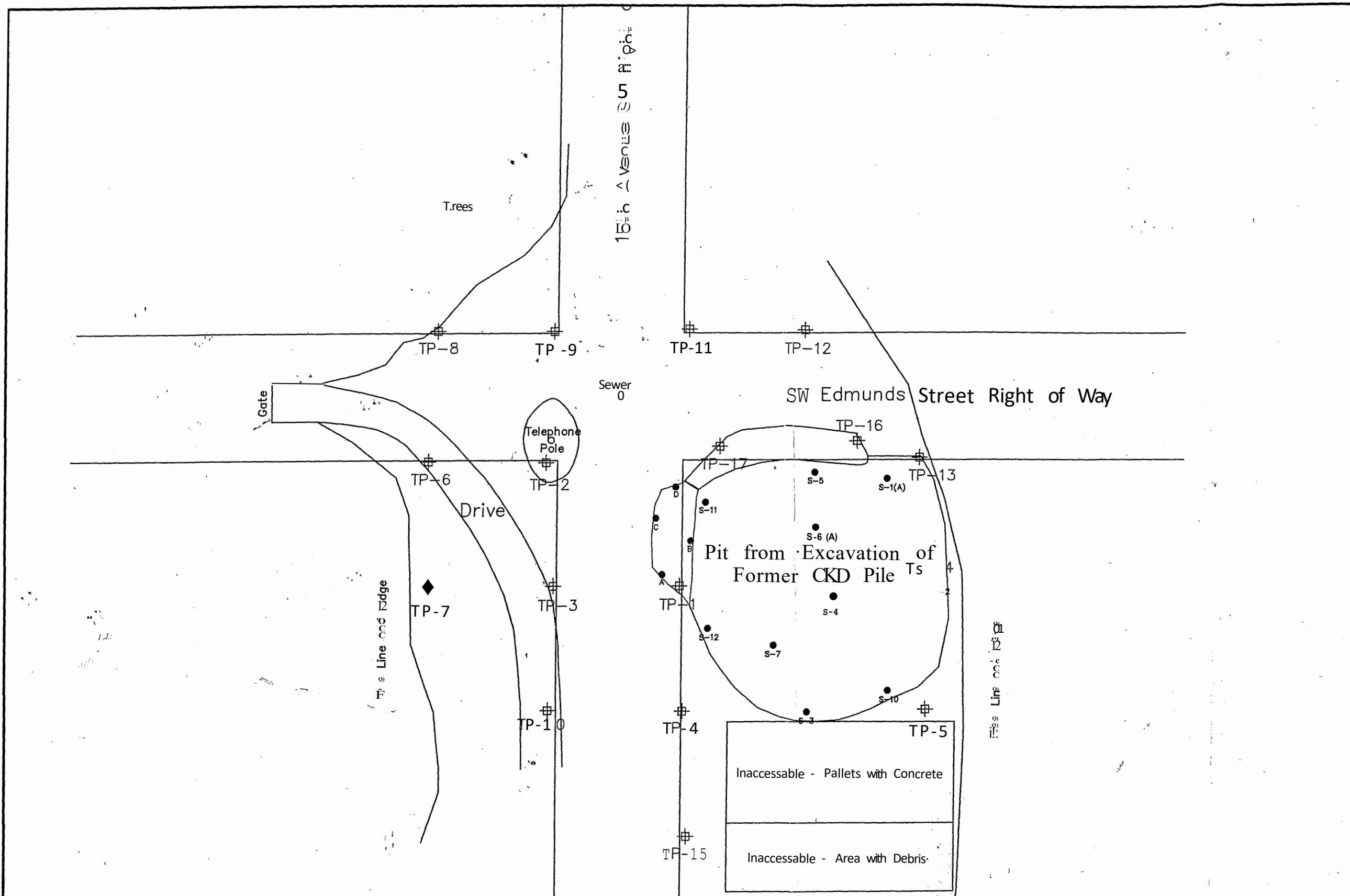
• Original Soil Boring
S-4

• Further Confirmatory
S-1(A) Sample

/ / Pit from Excavaation of
Former CKD Pile

/ / Further CKD Removal
of (178.18 tons)

--- Battery Casing Removal
Boundary



SESCO Group
1426 West 29th Street
Indianapolis, IN
317-347-9590; fax 317-347-9591

Upper Hudson Street, Site
4815 SW 15th Avenue
Seattle, WA 98106

Site Map

Scale:
1" = 40'

Drawn by:
KB

Figure:
1