



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 18, 2006

Mr. Scott Shanks
Bellingham Market Associates LP/
First Western Development Services, Inc.
8129 Ballinger Way
Edmonds, WA 98026

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

- Name: Sehome Village Mall
- Address: 300-400 36th Avenue, Bellingham WA 98225
- Facility/Site No.: 2897
- VCP No.: 1601

Dear Mr. Scott Shanks:

Thank you for submitting your independent remedial action report for the Sehome Village Mall 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. Level II Environmental Site Characterization, Bellingham Mall prepared by Rittenhouse-Zeman & Associates, Inc. in October 1989.



2. Additional Groundwater Characterization, Bellingham Mall prepared by Rittenhouse-Zeman & Associates, Inc. in November 1989.
3. Summary Report of Remedial Action, Bellingham Mall prepared by RZA AGRA, Inc. in November 1992.
4. Independent Remedial Action, Sehome Village Mall, Bellingham, Washington prepared by Index Environmental Services, Inc dated September 1996.
5. Sehome Village Mall Groundwater Sampling Analytical Result, December 1996, July 1997, December 1997, July 1998 and July 1999 prepared by Index Environmental Services Inc.
6. Groundwater Sampling Analytical Result, prepared by Zipper Zeman Associates, Inc. dated 1/10/2000, 7/24/2000, 1/8/2001, 7/16/2001, 1/15/2002 and 2/14/2003.
7. Groundwater Sampling Analytical Result, prepared by The Riley Group dated 1/20/2004, 4/20/2004, 1/7/2005 and 2/22/2006.

The documents listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at (425) 649-7190.

The Site is defined by the extent of contamination caused by vinyl chloride in groundwater. The Site is more particularly described in Enclosure A to this letter. 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 not sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination of vinyl chloride in groundwater at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at the Site under MTCA.

After the removal of the source area soils in 1991, analytical results showed that concentrations of trichloroethylene (TCE) and tetrachloroethylene (PCE) decreased significantly. However, the results from long term groundwater monitoring conducted since 1996 showed that vinyl chloride is still a concern in groundwater in the area of monitoring well MW-10. Neither the January 2005 sample nor the January 2006 groundwater sample collected from MW-10 had detected chlorinated solvents. Though the January 2004 groundwater sample collected from MW-10

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didn't show detectable vinyl chloride, the lab reporting limit was above cleanup levels. The March 2004 groundwater sampling results showed that vinyl chloride exceeded the MTCA Cleanup level. Therefore, Ecology has determined that additional confirmational monitoring is necessary to show volatile organic compounds in groundwater in compliance with MTCA. At least four consecutive quarters of clean groundwater is required prior to the issuance of a No Further Action Letter. At that time, Ecology will remove the Restrictive Covenant, delist the site and publish the results in the Site Register.

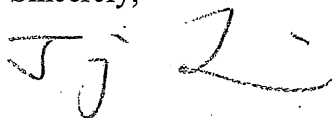
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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 performed at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-4310.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Jing Liu', with a stylized flourish at the end.

Jing Liu
NWRO Toxics Cleanup Program

Enclosures: 1

Cc: Fred H Becker, The Riley Group

Enclosure A

The site is located in Sehome Village Mall on 36th Street in Bellingham. It is a shopping center constructed in 1968. A dry cleaner facility used to be located near the western property boundary.

The site used to be a peat bog. The groundwater surface is generally within one to two feet of the ground surface. In general, a silty sand fill extends from just below the asphalt paving to a depth of four to six feet deep, overlying soft, native silts and peat. The topography of the site is flat. At present, the site is covered with asphalt pavement and buildings.

A restrictive covenant was filed to the office of the Whatcom County Clerk in 1996 due to the residual vinyl chloride which exceeded MTCA cleanup levels for groundwater. An IRAP report with a deed restriction for long term groundwater monitoring was submitted to Ecology for review in 1996. Judith Aiken was the site manager. Judi issued an opinion letter on November 8, 1996. In her letter, Judi stated that no further action appears to be necessary to protect human health and the environment in consideration that a Restrictive Covenant on the deed for the property was recorded to restrict domestic usage of groundwater. However, long term monitoring and maintenance at the site was required until the confirmational monitoring results showed volatile organic compounds in the groundwater below cleanup levels for four continuous clean sampling events. The site came to VCP in April 2004 (NW 1250), but then was withdrawn in July 2004. The site came back to VCP again in March 2006.

According to the Soil Remediation Report prepared by RZA AGRA Inc. dated April 15, 1991, the proprietor of the dry cleaning business collected buckets of "perc" sludge, soil and lint from the bottom of the dry cleaning machines and "hurled" the material from these buckets into the then unpaved area behind the business. Sampling results indicated elevated concentrations of trichloroethylene (TCE), tetrachloroethylene (PCE) and methylene chloride in both soil and groundwater. In 1991, one hundred cubic yards of contaminated soil was removed and treated on site via landfarming. Sampling of the treated soil indicated that the concentrations of chlorinated solvents were below cleanup levels. The soils were reused onsite as planter backfill and the excavation was backfilled with other soil to preexisting site grade. Post-treatment sampling results showed that concentrations of TCE, PCE decreased significantly after the removal of contaminated soil.

A groundwater pump and treat system was installed on site in 1992. However, the system was never operated beyond a pilot test. The system was removed in 1995.

Long term groundwater monitoring has been conducted since 1996. Three groundwater monitoring wells MW-10, MW-13 and MW14 were selected for sampling based on the pre-1996 sampling results. The monitoring frequencies have been reduced from quarterly to semiannually, and then to annually with Ecology's approval and based on evaluation of monitoring results. Considering the close proximity to MW-10, and no evidence of chlorinated solvents in groundwater, Ecology agreed to discontinue monitoring of MW-13 and 14 as of December 2001. Though the January 2004 groundwater sampling didn't detect vinyl chloride, the reporting limit was above cleanup levels. The March 2004 groundwater sampling results showed that vinyl chloride exceeded the MTCA Cleanup level. The sampling results had no chlorinated solvents detected in both the January 05 and January 06 samples.