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

August 9, 2006

Mr. Robby Tonkin
3300 Maple Valley Highway
Renton, WA 98058

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:

- Name: Taco Time NW Restaurant
- Address: 1420 East Madison Street, Seattle, WA
- Facility/Site No.: 5460498
- VCP No.: NW1621

Dear Mr. Tonkin:

Thank you for submitting documents regarding your remedial action for the Taco Time NW Restaurant facility (Site) for review by the Washington State 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 your remedial action is likely to be sufficient to meet the specific substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the release of 1,2-dichloroethane (EDC) in groundwater at the Site.

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 your remedial action(s):

1. Monitoring Well Installation and Sampling, Taco Time Restaurant, 1420 East Madison Street, Seattle, dated July 28, 2006 by GeoScience Management, Inc.

2. Monitoring Well Installation and Soil & Groundwater Sampling Results, Taco Time Restaurant, 1420 East Madison Street, Seattle, dated February 3, 2006 by Noll Environmental, Inc.

3. Results of Phase II Environmental Site Assessment, Taco Time Restaurant, 1420 East Madison Street, Seattle 98122, dated November 2, 2005 by Noll Environmental, Inc.

4. Limited Phase 2 Environmental Site Assessment, Proposed Madison Street Apartments, 1420 East Madison Street, Seattle, Washington, dated July 30, 2003 by GeoTech Consultants, Inc.

The reports 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 the release of EDC 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 your supporting documentation listed above, **Ecology has determined that the site investigations conducted so far are not sufficient to meet the specific substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the release of EDC in groundwater at the Site.**

Currently, it is not clear whether there is an off-site EDC source. The contamination extent needs to be further delineated. Ecology suggests installation of groundwater monitoring wells both upgradient and downgradient of the Site. A deep boring appears necessary to determine the bottom of the confined aquifer and the possible presence of Dense Non-Aqueous Phase Liquid (DNAPL).

Though none of the explorations encountered soils above MTCA method A cleanup levels for contaminants associated with petroleum products, it is fairly common to encounter petroleum impacted soils when redeveloping properties in urban areas. Should an underground tank be discovered during redevelopment, the soil in the vicinity of the tank should be assessed and disposed appropriately.

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) 649-4310.

Sincerely,

Jing Liu
NWRO Toxics Cleanup Program

Enclosures: 1
CC: Howard Small, GeoScience Management, Inc.

Enclosure A

The site is located at 1420 East Madison Street, in the Capitol Hill district of Seattle. It consists of a Taco Time Restaurant, asphalt-paved parking area and planters on a 0.3-acre lot. It is bordered by an apartment building and alley to the north, 15th Avenue to the east, East Madison Street to the south, and a parking lot to the west.

The site slopes from east to west, and drops about 8 feet along the west property boundary. In general, the subsurface soil in the borings consists of dense to very dense, silty, gravelly sand that has been glacially compressed. Groundwater is generally encountered at 22 to 30 feet below ground surface (bgs), and stabilized at about 12 to 15 feet bgs in monitoring wells.

1,2-Dichloroethane (EDC) was detected in groundwater exceeding MTCA Method A cleanup level of 5 ug/L with the highest concentration of 69 ug/L. However, EDC was not detected in any soil samples which reached the depth of 20 feet bgs. No other chlorinated solvents were detected in soil and groundwater. Currently, it is not clear whether there is an off-site EDC source.

Cleanup/Decision Summary

Site Name: Taco Time NW Restaurant

FS ID #: 5460498 **VCP #: NW1621**
Site Decision (attach letters): Further Action

1. **Site Description (include site address with street, city, and county; physical description; current and historical uses of site; etc.):**

   The site is located at 1420 East Madison Street, in the Capitol Hill district of Seattle. It consists of a Taco Time Restaurant, asphalt-paved parking area and planters on a 0.3-acre lot. It is bordered by an apartment building and alley to the north, 15th Avenue to the east, East Madison Street to the south, and a parking lot to the west.

   The site was historically occupied by several commercial buildings, including a laundry, rug cleaning business, tavern, sheet metal shop, plumbing and heating business, and burner servicing business. A service station was located on the northeast corner of East Madison Street and 15th Avenue East from the 1940's to the 1960's. The historical buildings were removed in 1963, and the current Taco Time restaurant building was constructed in 1965 and has been operated since then. It has been planned to be redeveloped as an apartment building.

   The site slopes from east to west, and drops about 8 feet along the west property boundary. In general, the subsurface soil in the borings consists of dense to very dense, silty, gravelly sand that has been glacially compressed. Groundwater is generally encountered at 22 to 30 feet below ground surface (bgs), and stabilized at about 12 to 15 feet bgs in monitoring wells.

2. **Describe affected media (soil, groundwater, surface water, sediment, air):**

   1,2-Dichloroethane (EDC) was detected in groundwater exceeding MTCA Method A cleanup level of 5 ug/L with the highest concentration of 69 ug/L. However, EDC was not detected in any soil samples which reached the depth of 20 feet bgs. No other chlorinated solvents were detected in soil and groundwater.

3. **Cleanup method used:**

   ☒ **Method A**
   ☐ **Method B (Attempted to utilize Method B Worksheet)**
   ☐ **Method C**

4. **Describe cleanup activities (for each media) and if contamination remains on-site (including conformational sampling/analysis, points of compliance, etc...):**

   It is not clear whether there is an off-site EDC source. Groundwater monitoring wells should be installed both upgradient and downgradient to better define the contamination

extent. A deep boring appears necessary to determine the bottom of the confined aquifer and any possibility of DNAPL.

Though none of the explorations encountered soils above MTCA method A cleanup levels for contaminants associated with petroleum product, it is fairly common to encounter petroleum impacted soils when redeveloping properties in urban areas. Should an underground tank be discovered during redevelopment, the soil in the vicinity of the tank should be assessed.

5. **Describe restrictive covenant (e.g., contamination remains under structure, groundwater restrictions, 5-year review):**

   N/A

6. **Indicate if site to be delisted and EEOS contact (only for HSL sites):**

   N/A

ES-3 8/9/06

Signature, Title, and Date

VCP Unit Supervisor 8/10/06

Signature, Title, and Date

Signature, Title, and Date