



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

September 22, 2023

James Tjoa  
1110 MLK, LLC  
2312 Eastlake Avenue East  
Seattle, WA 98102

**RE: Contained-In Determination for F002 Contaminated Soils for the Site Located at 1110 Martin Luther King Jr. Way, Seattle, WA, 98122. Facility ID # 99999770; Cleanup Site ID # 16832.**

Reference(s): 1. Request for Contained-In Determination from Eric Nassau (Kane Environmental, Inc.) to Paul Bianco (Ecology), dated August 30, 2023  
2. Request for Contained-In Determination Revision 1 from Eric Nassau (Kane Environmental, Inc.) to Paul Bianco (Ecology), dated September 20, 2023

Dear James Tjoa:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from your environmental consultant, Whatcom Environmental for specific F002 listed waste tetrachloroethylene (PCE) contaminated soils to be excavated on the property located at 1110 Martin Luther King Jr. Way, Seattle, WA, 98122.

Analytical data were submitted to Ecology to determine if these soils contaminated with F002 listed dangerous waste constituents may be exempt from management as dangerous wastes per the "Contained-In Policy"<sup>1</sup>. Ecology understands that these contaminated soils do not designate under federal characteristics (WAC 173-303-090) or State-only criteria (WAC 173-303-100).

Based on the information received and reviewed, Ecology has determined that the **515 tons** of PCE contaminated soils to be excavated are contaminated with F002 listed dangerous waste constituents (PCE) at concentrations that do not warrant management as dangerous wastes. Ecology will not require disposal of these **515 tons** of PCE contaminated soils as F002 listed

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<sup>1</sup> Washington State Department of Ecology Contained-in Policy, dated February 19, 1993

dangerous wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided that all of the following conditions are implemented. This contained-in determination applies only to the contaminated soils and does not pertain to contaminated water or any mixture of contaminated soils and fluid.

You or your environmental consultant, Kane Environmental, Inc. shall:

- Ensure that no standing water is present within the containers or trucks holding the contaminated soils. All water must be removed to the maximum extent possible from each container or truck and managed as F002 dangerous wastes or as otherwise allowed under Chapter 173-303 WAC. Adding bentonite or similar materials to absorb standing F002 listed waste contaminated water in the containers is not allowed. Mixtures of bentonite or similar materials and the listed waste contaminated water must be managed as F002 listed dangerous wastes.
- Directly deliver the soils to a solid waste landfill or transfer station permitted under Chapter 173-351 WAC and/or Chapter 173-350 WAC inside Washington State. If taken directly to the solid waste landfill, no off-loading of the contaminated soils is allowed between the cleanup site and the permitted solid waste landfill; if taken to the transfer station, removal of the contaminated soils from the intermodal container at the transfer station is not allowed.
- If you plan to deliver the contaminated soils to a landfill outside Washington State, you must FIRST submit to Ecology written approval for the contaminated soil disposal from the State hazardous waste program and the out of state landfill, **before** the soils are delivered to the out of state landfill.
- If you load the contaminated soils directly onto the truck bed or the contaminated soils are transported in roll-off bins, the truck or the roll-off bins must be lined with plastic and properly covered to prevent leaks, spills, or dispersion due to wind.
- Dispose of the contaminated soils at the permitted solid waste landfill by December 31, 2023. This contained-in determination letter is no longer valid after December 31, 2023, and the contaminated soils shall be managed as dangerous wastes after this date.
- Provide copies of all signed solid waste landfill receipts or a certificate of disposal issued by the receiving landfill for these contaminated soils to Ecology, attention of Paul Bianco, by February 29, 2024. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid.
- Do not consolidate these contaminated soils with other soils that do not pertain to this contained-in determination.
- Notify Ecology before disposal of the contaminated soil if the amount exceeds the approved amount or if the excavation limits exceed the lateral and vertical extents shown on Figure 2 attached to this letter. Ecology needs to make sure that the additional soil qualifies for a contained-in determination.

- Notify Ecology via email at least five (5) days before removing the contaminated soils approved in this letter. This notice gives Ecology the option of observing the removal. If Ecology chooses to observe the removal, we will notify you by phone or email at least 24 hours before the day the soil removal begins.
- Ensure that the transporter is properly trained to handle hazardous waste so that the transporter manages the contained-in determination soils during transport in a manner that is protective of human health and the environment.
- Take measures to prevent unauthorized contact with these contaminated soils at all times.
- Provide instructions to the landfill operator that these soils are **not** to be used for daily, intermediate, or final cover.
- Provide copies of all soil analytical data to the landfill operator, upon request.
- Do not send these contaminated soils to any incinerator, thermal desorption unit or recycling facility unless that facility is a RCRA Subtitle C permitted dangerous waste TSD facility.

Ecology issued this determination based on the information provided and reviewed to date. This Ecology determination will be rescinded if Ecology finds that the information submitted by the property owner or its environmental consultant is materially false, misleading, otherwise does not accurately represent the site conditions, or if the Ecology requirements listed above are not followed.

This written decision only applies to the **515 tons** of specified PCE contaminated soils generated during excavation activities from areas described in your request (reference 2). It does not apply to any other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the above stated PCE contaminated soil according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) and Ecology Contained-in Policy. This letter is not an Ecology approval for dangerous waste designation or disposal of contaminated soils that may be generated or already excavated from other areas in this property.

This letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Instead, this letter only addresses the procedures for disposal of the contaminated soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC). Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under Ecology Model Toxics Control Act (Chapter 173-340 WAC). Local agencies may have the authority to impose additional requirements on this waste stream.

If you fail to comply with the terms of this letter, Ecology may issue an administrative order and/or penalty as provided by the Revised Code of Washington, Sections 70A.300.090 and/or .120 (Hazardous Waste Management Act).

James Tjoa  
September 22, 2023  
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If you have any questions concerning this letter, please contact me at (425) 466-5161 or paul.bianco@ecy.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "P.V. Bianco", with a horizontal line extending to the right.

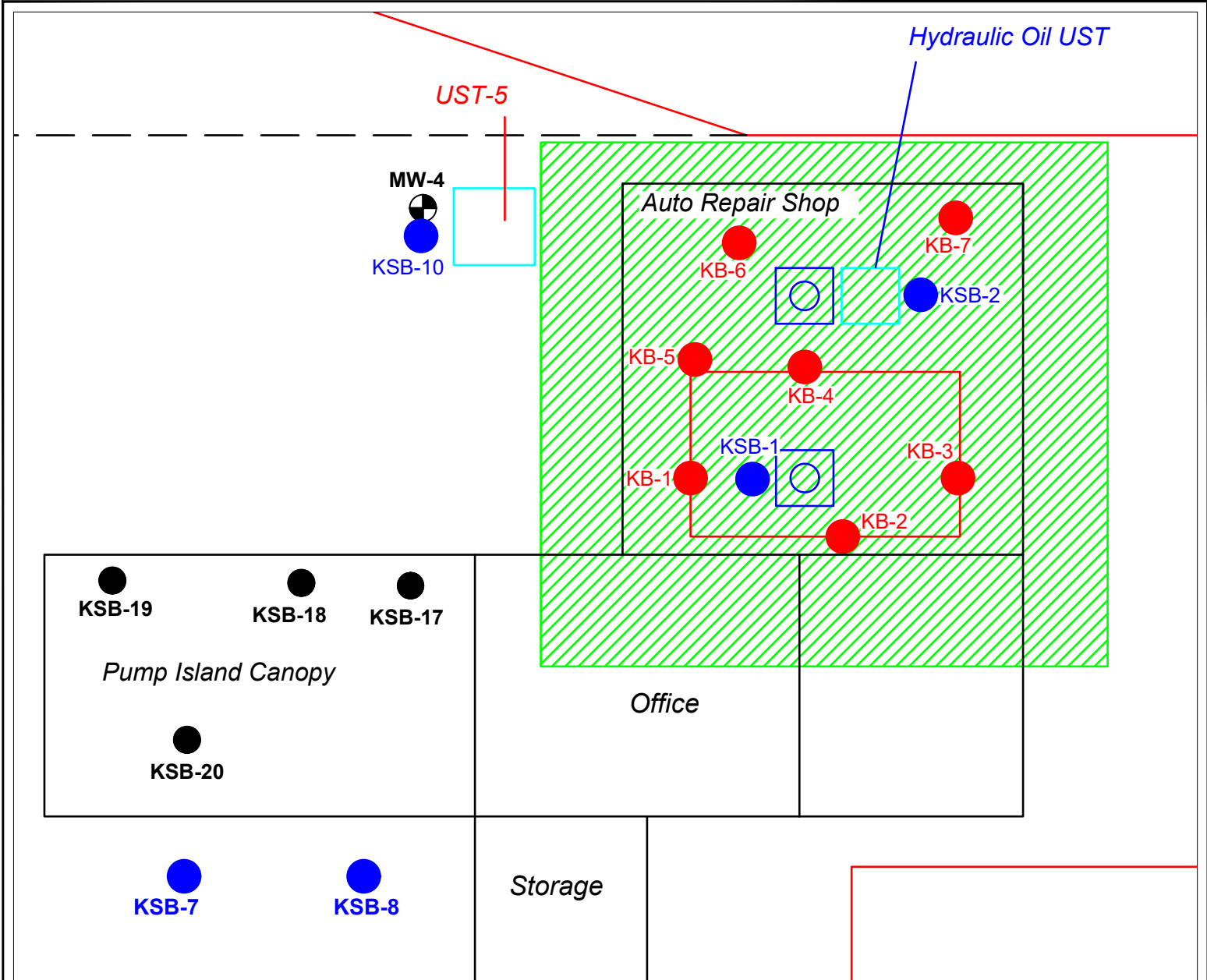
Paul V. Bianco, PE  
Environmental Engineer  
Hazardous Waste and Toxics Reduction Program

Sent by Certified Mail: 9171 9690 0935 0233 2189 03

Enclosure: Figure 2

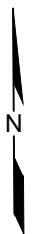
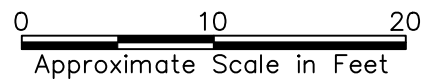
ecc: Tim Brow, Kane Environmental, Inc.  
John Kane, Kane Environmental, Inc.  
Eric Nassau, Kane Environmental, Inc.  
Christa Colouzis, Ecology  
Donna Kirkman, Ecology  
Jason Landskron, Ecology  
Ron Kauffman, Ecology  
Brittany McManus, Ecology  
Elaine Snouwaert, Ecology  
Kurt Walker, Ecology  
Kim Wooten, Ecology

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov), or visit <https://ecology.wa.gov/accessibility>. For Relay Service or TTY call 711 or 877-833-6341.



**LEGEND**

- Property Boundary
- Buildings and Features
- Northwestern Fenceline
- Underground Storage Tanks (USTs)
- Former Underground Hydraulic Lifts
- Direct Push Borings (August 2015)
- Direct Push Borings and Groundwater Monitoring Well (June 2022)
- Direct Push Borings (June 2023)
- Extent of PCE-Impacted Soil (0-6 feet bgs)  
(38 feet by 35 feet, 0-6 feet bgs)
- Extent of CVOC-Impacted Soil  
(18 feet by 11 feet area, 6-8 feet bgs)



PCE = Tetrachloroethene    CVOC = Chlorinated Volatile Organic Compounds    bgs = Below Ground Surface    All Locations are Approximate



1110 Martin Luther King Jr. Way  
Seattle, Washington

**Figure 2**  
Site Plan with Extents of PCE  
and CVOC-Impacted Soil