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**PHASE I ENVIRONMENTAL SITE ASSESSMENT**

**FRUHLING SAND AND TOPSOIL  
1010 228TH STREET SW  
BOTHELL, WASHINGTON 98021**

*Submitted to:*

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**Distribution:**

2 Copies - The Dwelling Company  
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## EXECUTIVE SUMMARY

At the request of The Dwelling Company Golder Associates Inc. (Golder) performed Phase I Environmental Site Assessment (ESA) of Fruhling Sand & Topsoil located at 1010 228th Street SW in Bothell, Washington (herein referred to as the "Site" or "subject property"). The scope of the ESA was in general accordance with the American Society for Testing and Materials (ASTM), E 1527-00 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* requirements.

The objective of the ESA was to provide a preliminary evaluation of the presence, use or release on the subject property of hazardous substances or petroleum products such as is defined in ASTM E 1527-00 as a recognized environmental condition. The ESA included records review, Site reconnaissance, and interviews in accordance with the ASTM standard.

The subject property consists of an approximately 26-acre developed as a gravel pit known as Fruhling Sand & Topsoil. The subject property is located in an area of Bothell that includes residential units and commercial/retail developments. The property has been a gravel pit since it was first developed.

The current use of the subject property is as a gravel pit. Operations on site include recycling of soil, concrete, asphalt, and land-clearing debris from outside sources. The concrete is ground and washed to create gravel that is re-sold. Imported soil is sorted and washed to create sand and gravel that is re-sold. Fruhling does not accept any contaminated soil or hazardous material. Some of the imported material has been used as fill for raising the mined portion of the property back to grade.

The northeast corner of the Site is leased to Nextel and Verizon for a cell tower. Some of the property is leased to Asplundh for vehicle and material storage, south of the cell tower near the northeast corner of the Site.

Asplundh, a tenant on the subject property, currently uses small quantities of petroleum products on the subject property, but as far as Golder was able to ascertain, they do not generate hazardous waste. The Fruhling Company uses and stores hazardous substances and petroleum products in appreciable quantities onsite. These hazardous materials have the potential to adversely affect the subject property. Hazardous substances and petroleum products used at the Site include diesel fuel, hydraulic fluid, oil, grease, and unleaded gasoline.

Three wells were observed on the subject property during the Golder Site reconnaissance that had recently been installed by Golder during the subsurface investigation. The location of these wells included adjacent to the Maintenance Shed, adjacent to the north of the settling pond, and near the southwest corner of the property. The Shannon & Wilson well that was installed in 2002 was not located.

Several database-listed facilities with historical or existing contamination were identified, including one adjoining property, Klaus Insulation Bothell, which is listed on the CSCSL-NFA, WA-ICR, and VCP databases. Based on the information available from the EDR report, this facility formerly had chlorinated solvent and petroleum hydrocarbon impact to soil and groundwater. A final cleanup report has been received by the Department of Ecology (Ecology). A review of Ecology records of Fruhling Sand & Topsoil revealed no documents of agency involvement.

Three recognized environmental conditions were identified during the ESA:

- The amount of soil staining observed onsite, particularly under the Power Screen 408 adjacent to the settling pond. It is possible that petroleum products from the machine have significantly impacted the soil. Groundwater may be affected as well, since the staining is located adjacent to a major onsite pond.
- The sheen observed on the settling pond and the balls of floating petroleum products. Groundwater in this area might be affected.
- Analytical results from one soil sample taken from boring B-7, located at the backside of the settlement pond indicated the presence of diesel fuel in soil. The level of contamination is unknown as the analysis was only a screening for the presence of petroleum products. Analytical results from soil samples collected from monitoring well GB-5 indicated the presence of diesel fuel, lube oil, and Volatile Organic Carbons (VOCs). The analysis of groundwater samples from monitoring well GB-7 indicated the presence VOCs. All of the results were below the Model Toxics Control Act (MTCA) Method A clean-up levels.

One potential environmental concern was identified during the ESA:

- Uncontrolled fill has been placed at the Site since at least 1992 (when ownership by Fruhling began). The presence of uncontrolled fill presents a potential environmental concern as the quality of the fill is unknown.

Golder has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Standard Practice E 1527-00 a of the subject property located at 1010 228th Street SW in Bothell, Washington. Exceptions to, or deletions from, the Standard Practice are described in the corresponding sections of this report.

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## **1.0 INTRODUCTION**

### **1.1 Subject Property**

This report presents the findings of the Golder Associates Inc. (Golder) Phase I Environmental Site Assessment (ESA) of the Fruhling Sand & Topsoil facility located at 1010 228th Street SW in Bothell, Washington (subject property, See Figure 1). Golder was retained by and the ESA prepared for The Dwelling Company (client).

### **1.2 Purpose and Scope of Services**

Based on information provided by The Dwelling Company, it is our understanding that The Dwelling Company is participating in a real estate transaction involving the subject property. The purpose for conducting this ESA is to permit The Dwelling Company to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability (Comprehensive Environmental Response, Compensation, and Liability Act) as defined in 42 USC § 9601(35)(B). Secondly, the purpose for conducting this ESA is to evaluate business environmental risk defined as a risk that can have a material environmental or environmentally driven impact on the business associated with the current or planned use of the subject property.

This Phase I ESA was conducted to identify recognized environmental conditions (RECs) in connection with the subject property, in accordance with the scope of work identified by the American Society for Testing and Materials (ASTM) Practice E 1527-00 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Standard). The ASTM Standard defines RECs as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws." The ASTM Standard is commonly referred to as the "Due Diligence" standard, in reference to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) innocent landowner defense from environmental liabilities. One requirement of the defense is that individuals or corporations intending to purchase property conduct all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice. The scope of work for this ESA was conducted in accordance with the ASTM Standard and consisted of the following tasks:

- **Records Review**

The purpose of the records review is to obtain and/or review records that may help identify a REC in connection to the subject property. Records reviewed include environmental databases maintained by Federal and State agencies, historical use records, local agency or municipal records, and physical setting sources.

- **Site Reconnaissance**

The purpose of the Site reconnaissance is to obtain information that may help identify a REC in connection to the subject property. Information is obtained by conducting a visual assessment, determining the past and current uses of the Site, determining the past and current uses of adjoining properties, reviewing geologic, hydrogeologic and topographic Site

conditions, and identifying public thoroughfares, potable water supply and sewage disposal systems.

- Interviews

The purpose of the interviews is to obtain information that may help identify a REC in connection to the subject property. Interviews are typically conducted with owner or owner's representative, occupants and local government officials, as applicable. Interviews are conducted to identify Site history, helpful documents, and proceedings involving the property.

- Evaluation and Report Preparation

This reports documents the findings, opinions and conclusions of the Phase I Environmental Site Assessment conducted at the subject property and provides the supporting documentation and references for those findings, opinions and conclusions.

### 1.3 Special Terms and Conditions

This assessment was conducted in accordance with the ASTM Standard. Accordingly, no evaluation was completed with respect to the following environmental issues as part of this project:

- Asbestos-Containing Materials;
- Radon;
- Lead-Based Paint;
- Lead in Drinking Water;
- Wetlands;
- Regulatory Compliance;
- Cultural and Historic Resources;
- Industrial Hygiene;
- Health and Safety;
- Ecological Resources;
- Endangered Species;
- Indoor Air Quality; and,
- High Voltage Power Lines.

### 1.4 Limiting Conditions

Golder's professional services were performed, our findings were obtained, and this report was prepared in accordance with standard professional principles and practices in the fields of environmental science and site assessment. This representation is in lieu of all other representations, either expressed or implied. Additionally, it must be noted that no investigation can absolutely rule out the existence of any hazardous materials at a given facility.



Information regarding Site conditions presented in this Phase I ESA report is based on observable surficial conditions at the Site. Surficial environmental assessments are inherently limited in the sense that conclusions are drawn and recommendations are developed based on information obtained from non-intrusive Site evaluation and generally available, non-proprietary data. Subsurface conditions were not investigated as part of the Phase I ESA investigation.

Findings presented in this report are based on select publicly available information, interviews with person(s) knowledgeable of historical Site operations, and conditions observed at the time the Site inspection was conducted. Golder cannot accept responsibility for any deficiencies, mis-statements, or inaccuracies contained in this report that have resulted from inaccuracies in the publicly available regulatory or information obtained from interviews during the Phase I ESA investigation.

An environmental regulatory database search of U.S. Environmental Protection Agency (EPA) and Washington State Department of Ecology records for the general area of the Site was performed by Environmental Data Resources Inc. (EDR). Golder has performed a review of the regulatory database search provided by EDR, and we have summarized regulatory enforcement activities at selected facilities in the vicinity of the property in this report. Although Golder cannot verify the accuracy of the EDR report, or the completeness of the databases that were used by EDR for the regulatory database search, the services provided by this company are believed to be consistent with the industry standard in the fields of environmental science and site assessment.

No evaluations of the potential for asbestos-containing materials, radon, lead-based paint, or lead in drinking water were performed. No wetland surveys were conducted, no ecological resources evaluations were performed, and no other non-scope considerations listed in Section 12.1.4 of the ASTM E-1527-00 guideline were performed.

Golder has prepared this report at the request of The Dwelling Company for the sole purpose of use by The Dwelling Company. No use of the information contained in this report by others is permissible without receiving prior written authorization to do so from Golder, and the parties listed above are only entitled to rely upon this report in conjunction with the proposed purchase of the Site.

## 2.0 SITE DESCRIPTION

### 2.1 Property Location

The subject property is located at 1010 228th Street SW in Bothell, Washington (Figure 1). Major thoroughfares near the Site include 228th Street SW located adjacent to the north of the subject property, Locust Way located approximately 0.5 miles west, 14th Avenue West located adjacent to the west, and SR 405 is located approximately 1.5 miles east of the subject property.

### 2.2 Site Characteristics

The subject property is comprised of approximately 26 acres of land with four small shed-like structures. The property consists of three tiers of land. The lowest tier is along the west side of the property. The second tier is at the middle of the property and is at a higher elevation than the first tier. The third tier is the highest portion of the property and is along the east border of the property. The weigh station building is of wood frame siding with a corrugated metal roof. The Maintenance Shop and Oil shed are metal shipping containers with wood floors. The Tire Storage Shed is of corrugated metal siding construction with a metal roof. The storage structure adjacent to the Tire Storage Shed is made from stacked metal storage containers covered by a flat roof. The Site is zoned by the Snohomish County as residential.

### 2.3 Adjacent Properties and Uses

The subject property is located in a predominantly residential area of Bothell. The following adjacent properties were observed:

- North: The subject property is bordered to the north by 228th Street SW. Beyond 228th Street SW is the Kenmore Gun Range. Lead contamination in soil is a common condition on gun ranges.
- East: The subject property is bordered to the east by two parcels of land. A portion of one parcel is a residential development with the remaining portion of the parcel being wooded. The second parcel adjacent to the east of the subject property is undeveloped wooded land. Beyond these two parcels is the Federal Emergency Management Agency Region X campus. No issues of environmental concern were observed on these properties from the subject property boundary.
- South: A single-family residential neighborhood is present due south of the subject property. Southwest of the subject property is an undeveloped wooded land. No issues of environmental concern were observed on these properties from the subject property boundary.
- West: The subject property is bordered by a single-family residential neighborhood to the west. No issues of environmental concern were observed on these properties from the subject property boundary.

### 2.4 Physical Setting

The subject property is located within unincorporated Snohomish County in Bothell, Washington, at an elevation of approximately 340 feet above mean sea level (MSL) according to the Bothell,

Washington (1953, photo revised 1981) and Edmonds, Washington (1953, photo revised 1973) Topographic Quadrangles. The general topographic gradient slopes to the west.

Geologic materials within the Puget Sound region are characterized by glacially deposited sediments. The subject property is located on the west slope of a ridge in Bothell. The general geologic unit typically found on upland hills and ridges is Vashon till overriding advanced outwash that was deposited during the Fraser glaciation (Minard, 1983). Specifically, the subject property was historically located within advanced outwash deposits. Native geologic materials within the subject site are characterized by clean gravelly sand that coarsens upward. These deposits were mined during the operation of the gravel pit. The gravel pit now contains soil and land-clearing debris that has been imported from unknown sources.

The depth to groundwater levels were taken from two of the monitoring wells installed by Golder. Monitoring well GB-3, located on the north side of the settling pond, had a static water level of 20.2 feet below ground surface. Monitoring well GB-7, located near the Maintenance Shop on the north side of the property, had a static water level of 5.3 feet below ground surface. The direction of groundwater flow is inferred to follow the general topography of the area to the west.

## 2.5 Current Uses of Site

At the time of the Site visit, the subject property consisted of a gravel pit with four structures. Originally opened as a sand and gravel mining pit (between 1952 and 1965) the mining activities diminished during ownership prior to the Fruhlings. The Fruhlings acquired ownership of the Site in 1992. The facility now recycles asphalt, concrete, soil, and land-clearing debris. The concrete is ground and washed to create gravel that is re-sold. Imported soil is sorted and washed to create sand and gravel that is re-sold. Fruhling does not accept any contaminated soil or hazardous material. Some of the imported material has been used as fill for raising the mined portion of the property back up to grade. This imported material is considered uncontrolled fill and represents a potential environmental concern.

### 3.0 RECORDS REVIEW

#### 3.1 Standard Environmental Record Sources

A commercial database search firm, Environmental Data Resources, Inc. (EDR) of Milford Connecticut, was used to research Federal and State standard environmental record sources. The EDR report provides a summary, location map, and specific details of the database-listed facilities that were within the specified approximate minimum search distances. The EDR report also includes a list of facilities ("Orphan Summary") that could not be located and plotted due to the lack of adequate location information. The EDR report is included in the Appendix B. Golder evaluated and synthesized the information from the EDR report, Site reconnaissance, and other information obtained during this assessment in order to provide the information detailed in this section. In certain cases, facilities identified in the EDR report as being within the approximate minimum search distance were found at a greater distance based on the Site reconnaissance information. The subject property was not identified on the Federal and State standard environmental record sources. There were several listed facilities within the specified minimum search distances identified in the Federal and State standard environmental record sources. However, none of the listed facilities appear to have the potential to adversely affect the subject property.

##### 3.1.1 Federal National Priorities List (NPL) – U.S. Environmental Protection Agency (USEPA)

The NPL ("Superfund") is a list compiled by the USEPA of properties with the highest priority for cleanup pursuant to the USEPA's Hazard Ranking System. The NPL includes over 1,200 properties. The approximate minimum search distance used for the NPL was one mile. Neither the subject property nor other properties within a one-mile search distance of the subject property were listed in the Federal NPL.

##### 3.1.2 Federal Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List – USEPA

The CERCLIS list identifies facilities compiled by the USEPA that the USEPA has investigated or is currently investigating for potential hazardous substance contamination for possible inclusion on the NPL. The approximate minimum search distance used for the CERCLIS list was one-half mile. Neither the subject property nor other properties within a one-half-mile search distance of the subject property were listed in the CERCLIS list.

##### 3.1.3 Federal CERCLIS-No Further Remedial Action Planned (NFRAP) List - USEPA

The CERCLIS-NFRAP identifies facilities removed from the CERCLIS list for various reasons including the finding of no contamination after an initial investigation, the removal of contamination before any Federal action was required, or the finding of contamination not significant enough to warrant Federal action or NPL consideration. The approximate minimum search distance used for the CERCLIS-NFRAP list included the subject property and adjoining properties. Neither the subject property nor other adjoining properties were listed in the CERCLIS-NFRAP list.

##### 3.1.4 Federal Resource Conservation and Recovery Act (RCRA) CORRACTS List - USEPA

The RCRA CORRACTS is a list of hazardous waste treatment, storage, and disposal facilities and other RCRA facilities that have been notified by the USEPA to undertake corrective action under RCRA. The approximate minimum search distance used for the RCRA CORRACTS list was one

mile. Neither the subject property nor other properties within a one-mile search distance of the subject property were listed in the RCRA CORRACTS list.

3.1.5 Federal RCRA Treatment, Storage, and/or Disposal (TSD) Facilities List (non-CORRACTS) --USEPA

The RCRA TSD (non-CORRACTS) is a list of those facilities on which treatment, storage, and disposal facilities of hazardous waste takes place, as defined and regulated by RCRA. The approximate minimum search distance used for the RCRA TSD (non-CORRACTS) list was one-half mile. Neither the subject property nor other properties within a one-half-mile search distance of the subject property were listed in the RCRA TSD (non-CORRACTS) list.

3.1.6 Federal RCRA Generators List - USEPA

The RCRA Generators List is a list of those facilities that generate regulated quantities of hazardous waste, as defined and regulated by RCRA. The approximate minimum search distance used for the RCRA generators list included the subject property and adjoining properties. The subject property was not listed as a RCRA generator. One facility was listed as a RCRA Small Quantity Generator (SQG) and is discussed in Section 3.1.8.

3.1.7 Federal Emergency Response Notification System (ERNS) Database

The Emergency Response Notification System (ERNS) is a national database used to collect information on reported releases of oil and hazardous substances. The approximate minimum search distance used for the ERNS list included only the property. The subject property was not listed on the ERNS database.

3.1.8 State Hazardous Waste Sites (Confirmed & Suspected Contaminated Sites Report) -- State of Washington--Department of Ecology (Ecology)

The Washington State Department of Ecology (Ecology) Confirmed & Suspected Contaminated (CSCS) Sites Report identifies sites with potential or confirmed hazardous substance contamination and includes sites ranked using the Washington Ranking Model (WARM) and also includes National Priorities List (NPL) sites. The subject property was not listed on the CSCS Sites Report. One facility was identified within a one-mile search distance of the subject property that was listed in the CSCS Sites Report.

- **Marvs Exxon** at 22730 Meridian Avenue South is located approximately 3,245 feet east (upgradient) of the subject property. This facility was also listed on the RCRA-SQG, Facility Index System (FINDS), and Voluntary Cleanup Program (VCP) databases. This facility is listed as a state hazardous waste site and is conducting voluntary cleanup activities for petroleum contaminated soil above MTCA cleanup levels. No RCRA violations were reported. Based upon agency oversight and the relative distance, there is no evidence that this facility represents an environmental concern to the subject property.

3.1.9 Solid Waste Facilities/Landfills-State of Washington--Ecology

The state solid waste facility/landfill database is a list of active permitted landfills and solid waste facilities. The approximate minimum search distance used for the solid waste facility/landfill

database was one-half mile. Neither the subject property nor other properties within a one-half-mile search distance of the subject property were listed in the state solid waste facility/landfill database.

#### 3.1.10 Leaking Underground Storage Tank (LUST) Sites List-State of Washington-Ecology

The Leaking Underground Storage Tank (LUST) Sites List is a list of facilities with leaking underground storage tanks (LUSTs) reported to Ecology. The approximate minimum search distance used for the LUST list was one-half mile. Neither the subject property nor adjacent properties within one-half mile of the subject property were listed on the LUST Sites List.

#### 3.1.11 Underground Storage Tank (UST) Sites List-State of Washington-Ecology

The Underground Storage Tank (UST) list is a list of facilities with registered underground storage tanks (USTs) that are regulated by Washington State UST regulations (Chapter 173-360 WAC). The approximate minimum search distance for the UST list is the subject property and adjoining properties. The subject property was not listed on the UST List. There are two UST facilities identified within one-quarter of a mile from the subject property.

- **Theo Construction Property** at 13th Avenue SE and 228th Street SW is located approximately 789 feet west-southwest (down gradient) of the subject property. Formerly there was a diesel UST that was between 1,100 and 2,000 gallons in size. Based upon this information, there is no evidence that this facility represents an environmental concern to the subject property.
- **On Rented Property: Vern Johnson** at 1202-228th SW is located approximately 1,272 feet west-southwest (down gradient) of the subject property. Formerly there was a UST on this property that had been installed in 1964. Based upon this information, there is no evidence that this facility represents an environmental concern to the subject property.

#### 3.1.12 Independent and Voluntary Cleanups - State of Washington - Ecology - Voluntary Cleanup Program

Ecology maintains a list of facilities undergoing independent or voluntary cleanups that have been reported to Ecology and for which Ecology has received cleanup reports. Independent cleanups are cleanups conducted without Ecology oversight or approval and not under an order or decree. Under the Voluntary Cleanup Program (VCP) and the Independent Cleanup Reports (ICR), voluntary cleanups can be conducted completely independent of Ecology, independent with some Ecology assistance or review, or with Ecology oversight under a signed legal agreement (an agreed order or consent decree). The approximate minimum search distance used for the independent and voluntary cleanup list was one-half mile. The subject property was not listed on the independent and voluntary cleanup list.

There were three independent and voluntary cleanup listed facilities within one-half mile of the subject property. One of these facilities, Marvs Exxon, was discussed in Section 3.1.8. The remaining two facilities are discussed below.

- **Klaus Insulation Bothell** at 1200 228th Street SW is located adjacent to the west (down gradient) of the subject property. This facility was also listed on the CSCSL NFA database. According to Ecology, a final cleanup report for petroleum product and chlorinated solvent contamination in groundwater and soil was received in January of 1998. Ecology issued a

No Further Action decision in April 1998. Based upon agency status of this facility, there is no evidence that this facility represents an environmental concern to the subject property.

- **Flick Residence** at 1301 228th Place SW is located approximately 1,191 feet west (down gradient) of the subject property. According to Ecology, a final cleanup report for petroleum product contamination of soil was received in September of 2000. Based upon agency oversight, there is no evidence that this facility represents an environmental concern to the subject property.

### 3.1.13 Confirmed & Suspected Contaminated Sites List No Further Action (CSCSL NFA) – State of Washington - Ecology

This list contains information about sites previously on the Confirmed and Suspected Contaminated Sites list that have received a No Further Action determination by Ecology. A NFA code is entered based upon the type of NFA determination the site received. The subject property was not listed on the NFA list. The CSCSL NFA database listed one facility within one-half of a mile of the subject site. This facility, Klaus Insulation Bothell, was discussed in Section 3.1.12.

### 3.1.14 Orphan Sites

The record search identified and listed six orphan sites. The listing of orphan sites is based primarily on inadequate address or database listing information. If a site is identified in the database search but the identifier does not match records or the address is incomplete the site is given an orphan status. The orphan list was reviewed and the location of each of the sites listed was identified. All of the facilities listed on the orphan sites list are located greater than one mile from the subject property.

## 3.2 **Additional Environmental Record Sources**

Additional environmental record sources were reviewed or queried to supplement the Federal and State standard environmental record sources. These sources included a request to the Seattle Fire Department for records and information on USTs and hazardous materials at the subject property. According to information provided by the Snohomish County Fire Marshall, there was one fire at the Site in 1996. No further details were provided by the Fire Marshall.

Snohomish County records were also requested in regards to any underground storage tanks at the Site. A county representative indicated that Snohomish County records did not contain information on USTs at the Site, but did have information on an AST.

Golder reviewed well log records for the subject property and surrounding area on Ecology's Well Log website. Four wells were listed in Ecology's database within one mile, including one that is located on the subject property. A resource protection well was installed down to 205 feet below ground surface at the Site in 2001/2002. No static water level was reported. The well was installed by Shannon & Wilson. A copy of the well report is in Appendix C. The remaining three wells were installed for both resource protection and for domestic water. These wells ranged in depth from 14.5 feet to 146 feet below ground surface. EDR GeoCheck® identified five federal wells located between one-quarter and one mile from the subject property.

Golder reviewed records at Ecology pertaining to the Site. The majority of the documents reviewed pertained to problems with the turbidity of water discharging from the Site, problems discharging the stormwater properly to a downstream source, changing the Crystal Creek stream course, and the issue

of contaminated material being accepted by the Site operators. The complaints all occurred in 1992. The following is a summary of the key documents reviewed:

*Ecology Inspection Report for Fruling Sand and Topsoil, July 27, 1992, Department of Ecology, prepared for Kevin Fitzpatrick of Ecology.* This letter indicated that the Site was improperly storing fuel and lube oil. The Ecology inspector made suggestions as to how to improve storage practices. The report further discusses how the stormwater practices were being improved by the owners.

*Request for Stop Work Order for Surface Mining Permit NO. 70-010402 Mine Operator: C. Martin, March 23, 1992, Wandering Glenn Homeowners Association, prepared for Department of Natural Resources.* This letter discusses in detail the various complaints and Stop Work Order request by the Wandering Glenn Homeowners Association (adjacent properties to the west of the Site) regarding the following major issues:

- Contaminated soil being imported to the Site. Homeowners complained of seeing and smelling contaminated soil and an oil sheen on water.
- Minimum Setback requirements.
- Poor backfill compaction.
- Poor property boundary sighting.
- Discharge of turbid water offsite.
- Poor erosion and runoff control measures.

*Surface Mining Permit No. 70-010402 (Curtis Martin/Fruhling 228th Street Pit), April 13, 1992, Department of Natural Resources, prepared for Snohomish County.* This letter discussed observations made during DNR's inspection in March 1992. DNR did not find any evidence that the Site was accepting contaminated material to the Site. The inspection also concluded that stormwater practices had improved, decreasing the turbidity of water discharging from the Site.

### 3.3 Historical Use Information

Several historical sources were reviewed including historical aerial photographs, Sanborn Fire Insurance Maps (EDR), historical topographic maps (EDR), and city directories. The sources used to obtain the historical information are referenced in Section 8. Copies of historical aerial photographs and historic topographic maps are included in Appendix A.

The referenced historical sources were reviewed and synthesized into the following historical summary of the subject property. Observations, indications, or references of recognized environmental conditions or other potential environmental concerns in the reviewed historical sources are discussed in the summary.

#### *Summary*

European settlement of the Puget Sound area began in the 1850s. Logging along with residential development occurred in Bothell during the late 19th century into the early 20th century. Lumber and shingle production began as the main industries in Bothell in its early years utilizing the local



forest resources as well as the Sammamish slough for transportation. Bothell became an incorporated town in 1909.

The use of the property has been as a gravel pit since it was first developed prior to 1965. Neither the topographic maps nor the aerial photographs are detailed enough to show any structures onsite.

### 3.3.1 Historical Aerial Photographs

Historical aerial photographs were obtained from EDR. The years provided and reviewed included 1952, 1965, 1977, 1985, and 1990. Copies are included in Appendix A. The following paragraphs summarize our observations from the review of these photographs.

1952 – Black and White (1":750'): The subject property was partially wooded and undeveloped. An unpaved access road borders a portion of the west boundary of the Site. 228th Street NW and Locust Way were visible. The Site was surrounded by undeveloped land (except for 228th, a residence adjacent to the south of the Site, and the access road). Few residential developments were visible in the general area. A gravel pit was visible northwest of the Site.

1965 – Black and White (1":750'): Portions of the northwest and south corners of the Site had been cleared of vegetation, possibly for gravel mining. The residence adjacent to the south of the Site has expanded and cleared more vegetation. The Kenmore Gun Range was visible north of the Site. The property adjacent to the east and west of the Site remain undeveloped. Gravel mining activities northwest of the Site had expanded to include a large area south of 228th Street NW, west of the Site. Residential development increased in the vicinity west of the Site.

1977 – Black and White (1":750'): More vegetation on the Site had been cleared for onsite operations. The properties adjacent to the east and west remained undeveloped. The gravel mining operation east of the Site was not as prominent as in the 1965 photograph. A portion of 14th Avenue West south of 228th Street NW was constructed. Vegetation was cleared on the east and west sides of 14th Avenue West for residential development. Residential development increased in the vicinity of the Site.

1985 – Black and White (1":750'): More vegetation on the Site had been cleared for onsite operations. 14th Avenue West appeared as it does today. Residential developments were constructed on both sides of 14th Avenue West. The parcel southwest of the Site had vegetation cleared and trails or access roads were visible. Residential development south of the Site increased.

1990 – Black and White (1":833'): Gravel mining operations continued to expand at the Site. The adjacent property to the east remained undeveloped. Adjacent properties to the northwest, east, and south had residential development. Residential development continued to increase in the vicinity of the Site.

### 3.3.2 Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps were not available from EDR. The "No Coverage" report is included in Appendix A.

### 3.3.3 Historical Topographic Maps

Historical topographic maps were provided by EDR and included the years 1897, 1944, 1947, 1953, 1968, 1973, and 1981. The subject property is located on the Bothell, Washington Quadrangle map, while the adjacent properties to the east are located on the Edmonds East, Washington Quadrangle map. Copies of these historical topographic maps are included in Appendix A. The scale of these maps does not depict the subject property or surrounding areas in sufficient detail to identify potentially environmentally significant features or historical development. The following paragraphs summarize our observations from the review of these maps.

1897: This map depicts the Puget Sound region. The City of Bothell is located on the map, but the scale is not large enough to depict any detail.

1944: The scale of this map showed the location of the subject property as well as the access road that borders a portion of the west boundary of the subject property. The subject property appeared in a greenish tint indicating it was undeveloped. One structure was visible adjacent to the south of the subject property, and others were visible to the west. On this map 228th Street NW did not extend west past Meridian Avenue South.

1947: The scale of this map does not depict significant detail. No structures or developments are depicted on the subject property. 228th Street NW was visible west of the subject property as an unimproved road, but ends adjacent to the northwest corner of the subject property. Development of roads increased from the previous map.

1953: Most of the subject property appeared in a greenish tint indicating it was undeveloped, except for the southern most portion (adjacent to two offsite structures) that was white. 228th Street NW was in place as it is currently. The property to the west of the subject property was depicted as being a gravel pit.

1968: This map only shows the surrounding properties to the east of the subject property.

1973: The subject property appeared similar as the 1953 photograph except for a new access road that was installed near the south boundary of the Site. The adjacent gravel pit expanded to include the land northwest of the subject property. A road and four structures were constructed north of 228th Street NW and the subject property. Four structures were constructed adjacent to the south of the subject property. The general area surrounding the subject property increased in urban development.

1981: The southern portion of the subject property on the map no longer had a greenish tint. The general area surrounding the subject property increased considerably in urban development.

### 3.3.4 City Directories

City Directories were obtained from EDR. The directories reviewed included the years 1975, 1978, and 1983. The directories included those by R.L. Polk & Co ("Polk's"). Polk's directory did not have any listings for the subject property or surrounding properties.

## 4.0 SITE RECONNAISSANCE

### 4.1 Summary of Observations

Ms. Kirsi Longley of Golder Associates visited the Site on October 5, 2005. Mr. Wayne Knowls of Cassimar U.S. Inc., Broker for the Dwelling Company, accompanied the Golder representative on the visual inspection. Gary Fruhling and Rob Graeff, of Fruhling Sand & Topsoil provided general information regarding the subject property and Site structures. Information provided by the persons above is incorporated into this section, where appropriate.

The Fruhling Sand & Topsoil facility is accessed from the north by 228th Street SW. The Site is developed as a gravel pit and recycler of soil, concrete, asphalt and land-clearing debris. Structural improvements consist of four shed-like structures located on the lower tier of the site. Soil screening and conveyer machines are located on all three tiers of the property. The soil/rock washing machines are located on the first tier. Excavators and Hyundai loaders are used all over the Site to move soil and debris. Dump trucks frequent the access road that winds around the Site bringing in and exporting material.

#### 1st Tier --

The Maintenance Shop located on the west side of the north border of the property primarily contained tools and a 55-gallon drum of unleaded gasoline. No secondary containment was present for this drum. Adjacent to the Maintenance Shop was a wood shed that housed an air compressor. West of the Maintenance Shop was the fueling area. The fueling area consisted of four 55-gallon drums, an approximately 20,000 gallon diesel AST, and a metal cabinet containing low and high sulfur diesel fuel. Stained soil was observed around the cabinet of diesel fuel. A small trailer with an exhaust stack was observed west of the AST. Access to the trailer was not possible as it was locked. Golder observed sever piles of refuse surrounding this general area. The refuse included plastic and metal items.

The Oil Storage Shed located east of the weigh station contained fuel and oil supplies and spill kits as well as used oil filters and absorbent towels. The floor of the shed was visibly stained by petroleum products. Adjacent to the Oil Storage Shed were two Fruhling fuel trucks. The fuel trucks are only filled with fuel when they are driven off the Site to fueling activities at a different project location. Each truck had a drum of grease on it. Soil Staining was observed under the fuel trucks.

A Tire Storage Shed was present northwest of the settling pond. It housed the replacement tires for the vehicles at the Site. Adjacent to the Tire Storage Shed was another storage structure comprised of stacked metal storage containers covered by a roof. The lower containers of this structure contained equipment and materials used onsite.

South of the Tire Storage Shed is the settling pond. The settling pond receives water through buried drainage lines from the soil/rock washing machines. The pond drains into a buried 30,000 gallon fiberglass water tank. The water is recycled back to the washing machines. There was a sheen on the water during this site visit. When Golder was onsite performing the subsurface investigation, the sheen and balls of floating petroleum product were observed on the water surface. Adjacent to the settling pond is a Power Screen 408 machine that has extensive soil staining beneath it. (See photograph section).

West of the access road along the west border of the site there is a vegetated berm that was constructed by Fruhling to act as a buffer between the gravel pit and the adjacent residential neighborhood. A previous investigation into the quality of the soil in the berm was performed by Associated Earth Sciences. No report was written, but Mr. Knowls stated that the analytical results indicated that the soil was not contaminated.

#### **2nd Tier --**

A wood chipper (hitched to a semi-truck) and a shipping container were located on the south side of the 2nd tier. The container appeared to contain plastic pipes and other refuse. North of the container was a partially filled 5-gallon gas container and a Kohler air compressor and generator. South of the chipper was a pile of refuse including a computer monitor. The northern portion of the 2nd tier consisted of piles of soil, a shipping container, a screening machine, and a reportedly empty bio-diesel tank truck. Minor staining was observed below the engine of the screening machines.

#### **3rd Tier --**

On the west side of the third tier of the Site was a conveyor machine that had hydraulic lines connecting to a Fruhling Inc. truck. Access inside of the truck was not allowed as it was locked. Reportedly, the truck housed the engine for the conveyor machine. Stained soil was observed adjacent to the truck, possibly caused by leaking hydraulic lines. On the east side of the 3<sup>rd</sup> tier was the space leased by Asplundh. The area appeared to primarily be used for parking of Asplundh trucks, employee vehicles, and two shipping containers (one of which was locked and the other contained a 5-gallon bucket of hydraulic fluid). This area was littered with garbage including nine empty 5-gallon buckets. The northeast corner of the site is developed with a cell tower.

### **4.2 Evaluation of Specific Concerns**

#### **4.2.1 Hazardous Substances**

The hazardous materials observed at the subject property primarily consisted of petroleum products including the following:

##### **Oil Storage Shed-**

- Four full 55-gallon drums of Chevron motor oil;
- One 55-gallon drum containing used oil filters;
- One 55-gallon drum containing used absorbent towels;
- Four 5-gallon fuel containers; and
- One 5-gallon container of drive train fluid.

##### **Maintenance Shop and fueling area-**

- Two empty unleaded gasoline drums;
- One empty aluminum brightener drum;
- Two Golder drums containing waste soil;
- An approximately 20,000 gallon diesel AST; and
- A storage cabinet of low and high sulfur diesel fuel.

**Asplundh Parking-**

- Nine empty 5-gallon buckets of hydraulic oil and paint. Some stressed vegetation was observed around a bucket of hydraulic oil;
- One full 5-gallon bucket of Exxon hydraulic fluid; and
- One box containing six empty one-gallon heavy duty motor oil bottles.

**Wood Chipper-**

- One 5-gallon gas container.

**4.2.2 General Maintenance**

General maintenance chemicals were not observed.

**4.2.3 Vehicle Fueling and Maintenance Operations**

The facility performs maintenance on all vehicles and machines onsite in place. There is a Maintenance Shop, but this is only used for tool storage and not repairs.

**4.2.4 Storage Tanks****4.2.4.1 Underground Storage Tanks**

No evidence of current fuel related USTs was observed at the facility. One 30,000 gallon water UST is located south of the settling pond.

**4.2.4.2 Aboveground Storage Tanks**

One AST was observed at the facility adjacent to the west of the Maintenance Shop. The double-walled diesel AST has two compartments that are each approximately 10,000 gallons. There was not secondary containment for the tank beyond the double-walls. The tank is refilled and monitored by Associated Petroleum. Mr. Fruhling estimated that Associated Petroleum is onsite weekly for monitoring or refueling. No soil staining was observed around the AST. There have been no leaks or spills of fuel from the AST. Three refueling trucks were observed on the first and second tiers of the property. Reportedly these tanks are filled with fuel only when working off-site.

**4.2.5 Hydraulic Oil Equipment**

Hydraulic lines were observed on most of the equipment used at the Site (fixed equipment as well as mobile equipment). Hydraulic oil is stored in the Oil Shed and on the refueling trucks. Soil staining was observed around all of the fixed equipment. Extensive soil staining was observed below the Power Screen 408 and may be an indication of petroleum product contaminated soil in this area. Gary Fruhling indicated that only minor spills and leaks of hydraulic oil equipment have occurred and spill kits are readily available onsite.

**4.2.6 Polychlorinated Biphenyls (PCBs)**

No pad-mounted or pole-mounted transformers were observed on the subject property.

#### 4.2.7 Waste Disposal

##### 4.2.7.1 *Solid Waste*

Waste Management handles solid waste disposal for the Site. Several solid waste bins are located near the Maintenance Shop and the Oil Storage Shed. Golder observed piles of refuse in many locations around the Site. Refuse included scrap metal, empty buckets, plastic piping, a computer monitor, and various types of plastic items.

#### 4.2.8 Hazardous Waste

Golder observed empty 5-gallon buckets of hydraulic oil and paint as well as a box of six empty 1-gallon heavy duty motor oil bottles located in the area of the Site that is leased by Asplundh. The Site reportedly collects all of its hazardous waste (motor oil, hydraulic oil, gasoline, and diesel fuel) and transports it to the Fruhling's Kenmore, Washington office where it is picked-up for disposal by Safety Kleen.

#### 4.2.9 Stained Soil or Pavement

Exterior soil staining was observed at various locations throughout the subject property. De minimis amounts of soil staining was observed in the employee and refueling truck parking areas surrounding the facility. Soil staining was also observed around all of the fixed equipment onsite. Extensive soil staining was observed around the Power Screen 408 machine adjacent to the settling pond and around the cabinet containing diesel fuel in the fuel area.

#### 4.2.10 Oil-Water Separators, Clarifiers, or Sumps

No oil-water separators, clarifiers, or sumps were observed on the subject property.

#### 4.2.11 Floor Drains

No floor drains were observed at the subject property during Golder's Site reconnaissance.

#### 4.2.12 Wastewater and Stormwater Discharge

Stormwater is captured onsite by nine ponds, including the settling pond. Three small ponds are located at the southeast corner of the site. Five ponds are located west of the Oil Storage Shed (two on the east side of the access road and three west of the access road). The three ponds west of the access road are connected to a culvert that discharges the water offsite to the west into Crystal Creek. The settling pond is connected to the 30,000 gallon UST (to be reused in the washing machine) as well as to an 18 inch culvert that discharges water to the southwest offsite in a swale that connects to Crystal Creek. Crystal Creek is a tributary of Swamp Creek. The discharge points are monitored quarterly as part of the Site's Stormwater Pollution Prevention Plan. Water samples are analyzed for numerous analytes including pH, turbidity, temperature, and petroleum hydrocarbons. Documents reviewed at Ecology indicate that the Site has had a history of discharging turbid water into Crystal Creek.

#### 4.2.13 Wells

Three wells were observed on the subject property during the Golder Site reconnaissance that had recently been installed by Golder during the subsurface investigation. The location of these wells included adjacent to the Maintenance Shed, adjacent to the north of the settling pond, and near the southwest corner of the property. The Shannon & Wilson well that was installed in 2002 was not located.

#### 4.3 Interviews

Golder interviewed Mr. Rob Gaeff, AR Manager and Mr. Gary Fruhling, Operator, for information regarding operations at the Site. Golder also interviewed Mr. Wayne Knowls for general information regarding the subject property. Information provided by the interviewees has been incorporated into applicable sections throughout this report. In general, Mr. Fruhling and Mr. Knowls indicated that no hazardous material releases or environmental issues have been reported at the subject property.

## **5.0 FINDINGS AND CONCLUSIONS**

Golder has prepared this Phase I ESA in accordance with the scope and limitations of ASTM Practice E 1527-00 of the Fruhling Sand & Topsoil located at 1010 228th Street SW in Bothell, Washington. Exceptions to, or deletions from, the ASTM Standard are described in the corresponding sections of this report.

In the professional opinion of Golder, an appropriate level of inquiry has been made into the previous ownership and uses of the property consistent with good commercial and customary practice in an effort to minimize liability. This assessment has revealed the following evidence of recognized environmental conditions in connection with the subject property.

### **5.1 Recognized Environmental Conditions**

The following recognized environmental conditions were identified:

- Extensive soil staining was observed around the Power Screen 408 machine north of the settling pond. This staining could be an indication that the soil in that area is contaminated by petroleum products.
- Golder observed a sheen on the water in the settling pond during the subsurface investigation and this site reconnaissance. Balls of petroleum products were observed floating in the settling pond by Golder during the subsurface investigation. These observations could be an indication that the groundwater has been impacted by petroleum product contamination. It is possible that this is related to the soil staining observed around the Power Screen 408 machine.
- Analytical results from one soil sample collected from boring B-7, at the backside of the settlement pond indicated the presence of diesel fuel. The level of contamination is unknown as the analysis was only a screening for the presence of petroleum products. Analytical results from soil samples collected from monitoring well GB-5 indicated the presence of diesel fuel, lube oil, and Volatile Organic Carbons (VOCs). The analysis of groundwater samples from monitoring well GB-7 indicated the presence VOCs. All of the results were below the Model Toxics Control Act (MTCA) Method A clean-up levels.

### **5.2 Potential Environmental Concerns and De Minimis Conditions**

The following potential environmental concern was identified:

- Uncontrolled fill has been placed at the Site since at least 1992 (when ownership by Fruhling began). The presence of uncontrolled fill material presents a potential environmental concern as the condition of the fill is unknown.

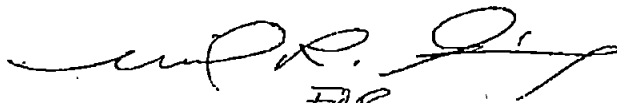


## 6.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

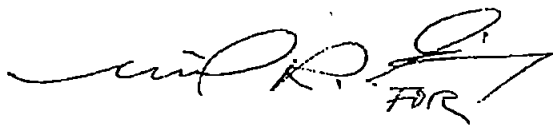
This report is respectfully submitted to The Dwelling Company. If you have questions or require additional information, please contact Jane Mills at (425) 883-0777.

Sincerely,

**GOLDER ASSOCIATES INC.**



Kirsi S. Longley  
Environmental Scientist



Jane P. Mills CSP, CHMM  
Associate, Senior Environmental Engineer

## 7.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

### *Jane P. Mills, CSP, CHMM*

Ms. Mills has a B.S. in Civil Engineering and an M.S. in Occupational Safety and Health. She has worked for over 15 years providing health and safety services in conjunction with environmental evaluation, measurement, analysis, and corrective action design consulting services. Ms. Mills is experienced in performing environmental compliance audits, indoor air quality investigations for mold, industrial emissions and other worker exposure parameters, and environmental remediation design and implementation. She has worked with clients during the acquisition and disposition of industrial, commercial, multi-family residential and publicly owned properties. Ms. Mills is experienced in performing multi-site evaluations, and understands environmental and safety issues from the view of the client. Assessing project objectives and developing strategies to insure appropriate, economical responses to meet business and regulatory requirements are priorities. Her recent projects include: environmental permit-related studies for new power generating facilities in the Northwest, a multi-media environmental audit of a waste-to-energy power plant, environmental audits of 40 industrial business parks throughout the west coast, and exposure monitoring during the mass excavation of a state-listed contaminated development site.

### *Kirsi S. Longley, Environmental Scientist*

Ms. Longley has a B.S. in Environmental Science and is working on a M.S. in Environmental Science. Ms. Longley has worked with clients during the acquisition and disposition of industrial, commercial, and residentially owned properties. She is experienced in performing multi-site evaluations, and understands environmental and safety issues from the view of the client. She also has experience performing audits of compliance with government regulations for industrial facilities. Her recent projects include: environmental assessments of road corridors for widening projects, the assessment of a commercial facilities for the development and implementation of Spill Prevention Control & Countermeasure plans, Stormwater Pollution Prevention Plans, indoor air quality analyses, Fire Safety Analyses, audits of Propane Management Plans, and other environmental assessments of commercial and residential facilities.

## 8.0 REFERENCES

American Society for Testing and Materials. Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Designation: E 1527-00.

Environmental Data Resources, Historical Aerial Photographs, 1952, 1965, 1977, 1985, and 1990.

Environmental Data Resources, Historical Topographic Maps, 1897, 1944, 1947, 1953, 1973, and 1981.

Environmental Data Resources, The EDR Radius Map with GeoCheck®, Fruhling Sand & Topsoil 1010 228th Street SW Bothell, Washington 98021, Inquiry Number 1520499.2s, September 27, 2005.

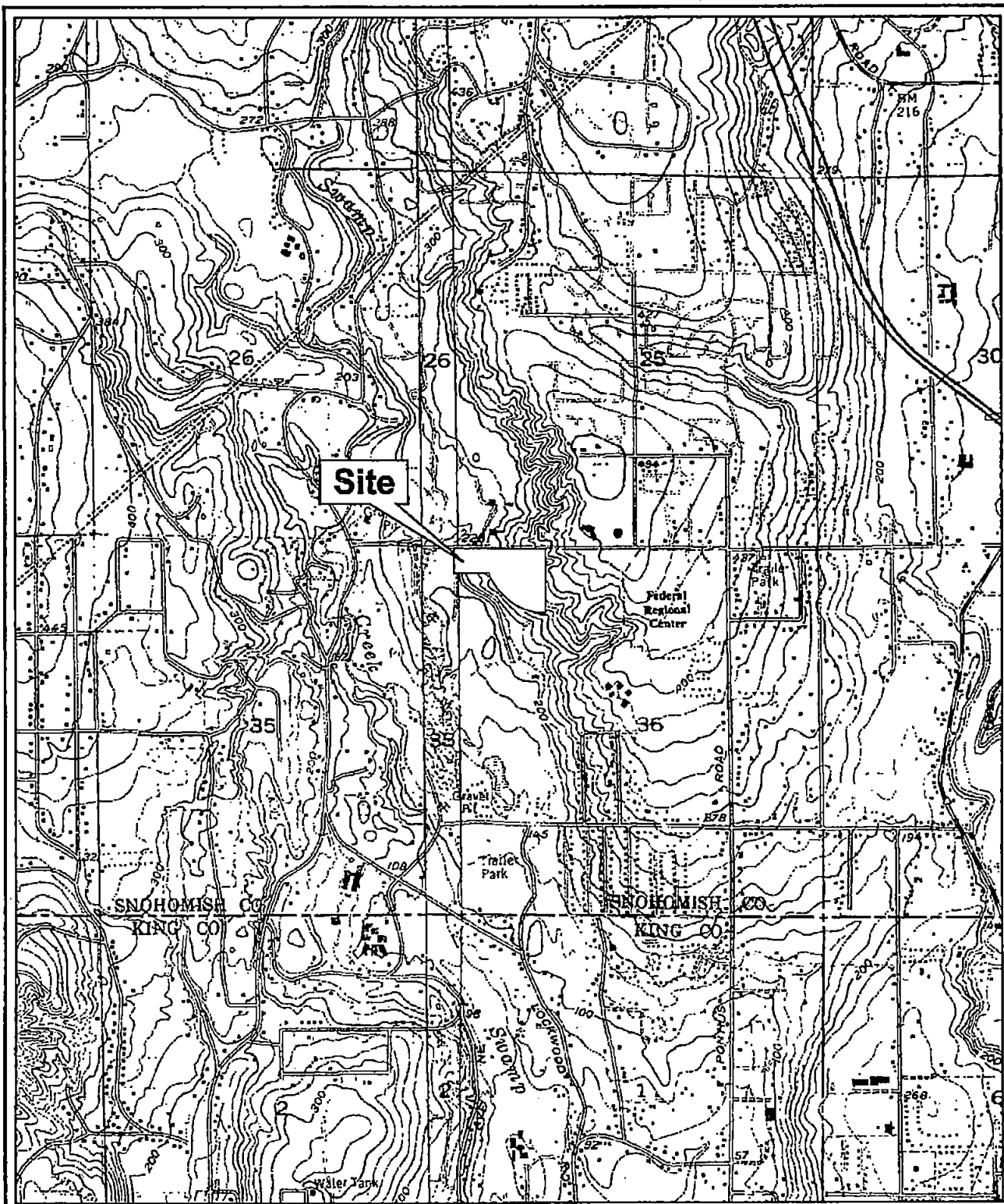
Environmental Data Resources, Sanborn Map Report, "No Coverage" Sheet.

Minard, J.P. 1983, Geologic Map of the Edmonds East and Part of Edmonds West Quadrangles, USGS Miscellaneous Field Studies Map MF-1541, Scale 1:24000.

United States Geological Service, Bothell Quadrangle, Washington, 1953, photo-revised 1981.

United States Geological Service, Edmonds East Quadrangle, Washington, 1953, photo-revised 1973.

## FIGURES

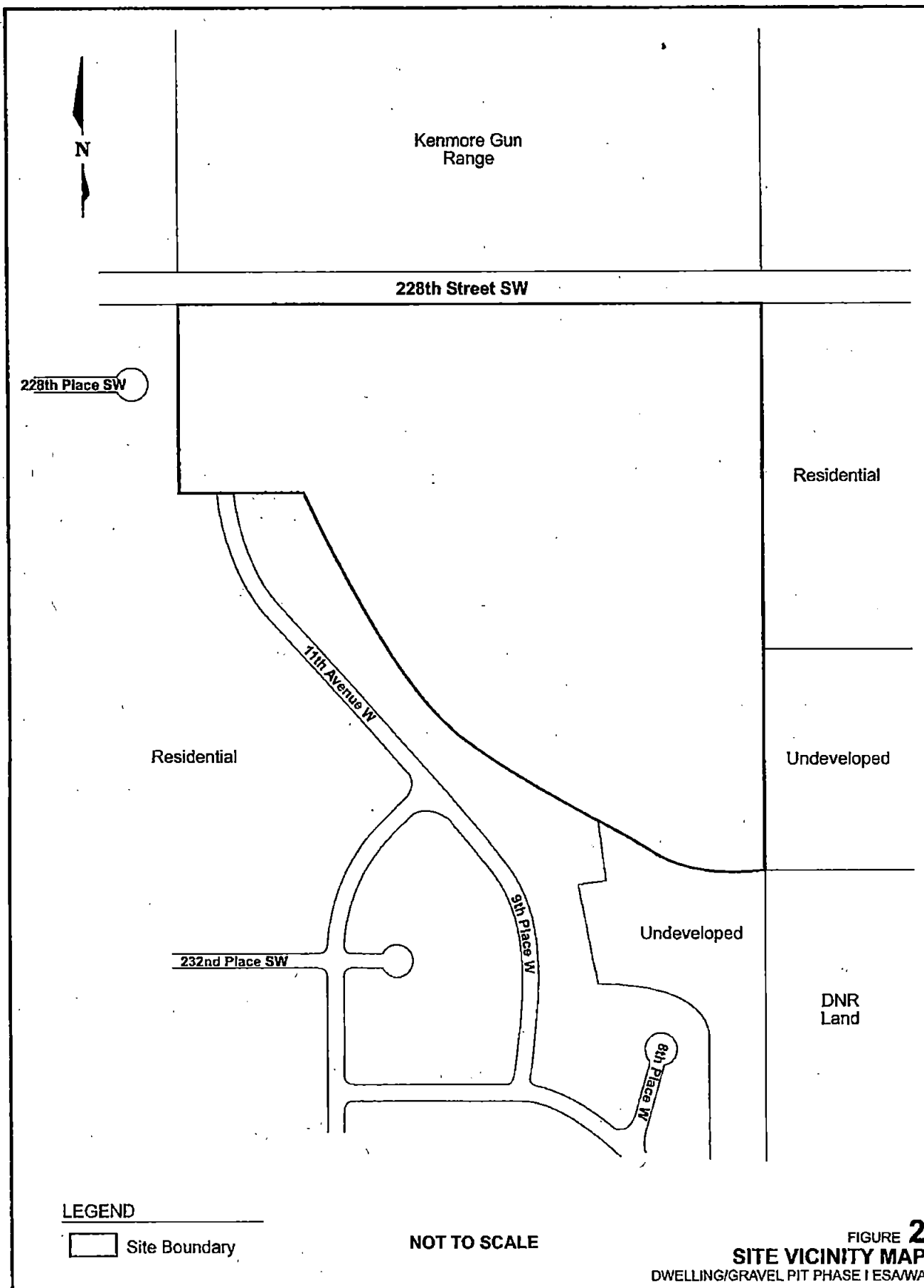


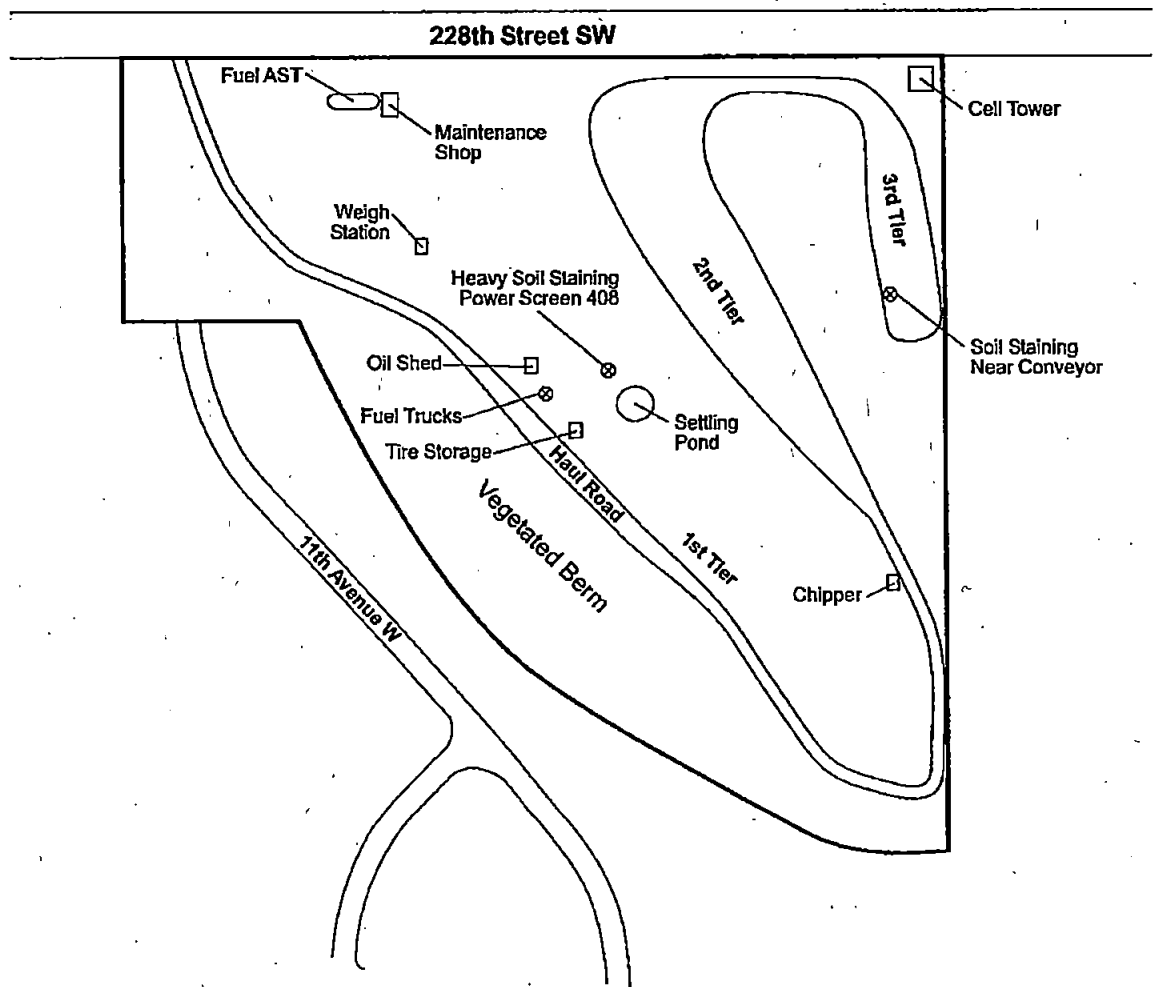
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SCALE IN FEET



Source: USGS 7.5 Minute Topographic Quadrangle Map,  
Bothell, WA (1981), Edmonds East, WA (1981)

**FIGURE 1**  
**SITE LOCATION MAP**  
DWELLING/GRAVEL PIT PHASE I ESA/WA





**LEGEND**

 Site Boundary

**NOT TO SCALE**

**FIGURE 3**  
**SITE PLAN**  
DWELLING/GRAVEL PIT PHASE I ESAWA

## PHOTOGRAPHS



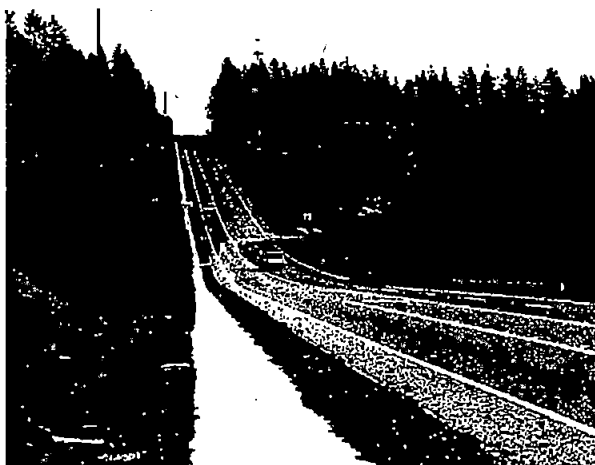


Photo 1 – 228<sup>th</sup> St. SW and Site (east view).



Photo 2 – Settling pond (west view from 2<sup>nd</sup> tier).



Photo 3 – View of activities on 1<sup>st</sup> tier.  
Tire Shed is in blue (northwest view).



Photo 4 – 1<sup>st</sup> tier activities at northwest corner of site  
(northwest view from 2<sup>nd</sup> tier).



Photo 5 – 2<sup>nd</sup> tier activities (north view).



Photo 6 – 3<sup>rd</sup> tier activities with Asplundh vehicles on left (south view).



Photo 7 – Berm along western boundary of site (west view).



Photo 8 – Surrounding properties and 228<sup>th</sup> St. SW (west view).



Photo 9 – Kenmore Gun Range north of Site (north view).



Photo 10 – Residential neighborhood adjacent to the west and Site access road (west view).



Photo 11 – Cabinet containing diesel fuel with soil staining.



Photo 12 – Maintenance shop and AST (northwest view).



Photo 13 – Maintenance Shop.

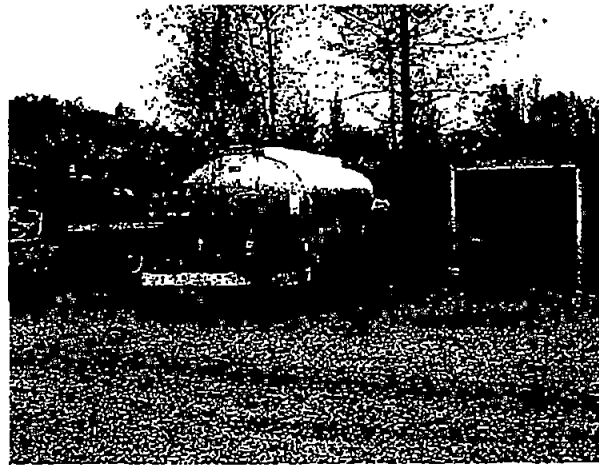


Photo 14 – Oil Storage Shed and fuel trucks (west view).



Photo 15 – Interior of Oil Storage Shed.



Photo 16 – Pile of refuse adjacent to wood chipper on 2<sup>nd</sup> tier.



Photo 17 – 5-gallon buckets adjacent to Asplundh leased property.



Photo 18 – Staining under hydraulic lines to Fruhling truck and conveyor.



Photo 19 – Sheen on settling pond.

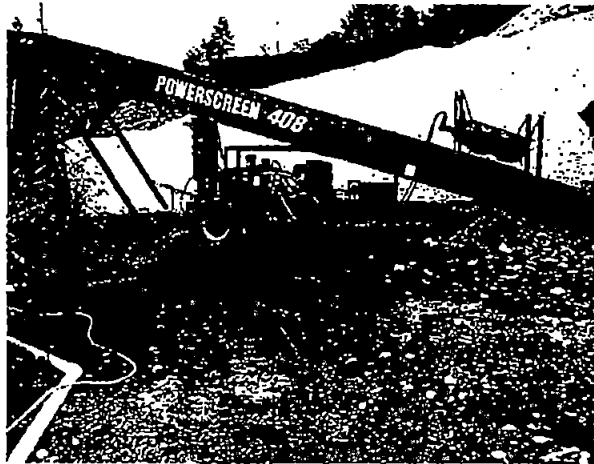


Photo 20 – Soil Staining under screener.

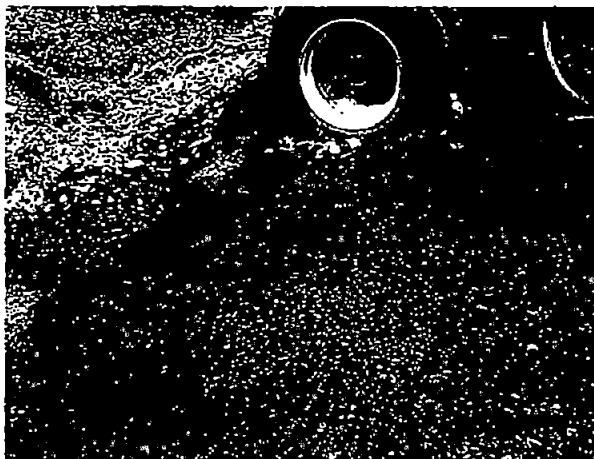


Photo 21 – Soil staining.