



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-7472 • (425) 649-7000

January 20, 2005

Ms. Kristy J. Hendrickson
Landau Associates
130 2nd Avenue
Edmonds, WA 98020

Dear Kristy:

RE: Union Station Purchaser Consent Decree No. 97-2-18936-5SEA – Certification of Completion

SUMMARY

- **This letter constitutes Ecology Certification of Completion that all remedial actions specified in the Cleanup Action Plan, except confirmational monitoring, are complete.**
- **Ecology approves reduction in groundwater monitoring frequency to every five years.**
- **Ecology denies reduction in the list of constituents to be analyzed in groundwater monitoring rounds.**
- **Ecology cannot delist the site as hazardous substances exist on site which are likely to exceed cleanup standards.**

Thank you for your letter of October 29, 2004 and the accompanying report, *Groundwater Monitoring, Union Station, Seattle, WA*, dated October 28, 2004. In that letter you requested a Certificate of Completion and that the site be removed from the Hazard Ranking List. You also requested a reduction in the monitoring frequency to every five years and a reduction in the constituents monitored to carcinogenic polycyclic aromatic hydrocarbons.

The Consent Decree states in Section XXV,

Upon completion of all remedial actions specified in the Cleanup Action Plan, except confirmational monitoring, Ecology shall issue a Certificate of Completion. Completion of all remedial actions except confirmational monitoring is defined in Section 6.0 of Attachment B. Unless Ecology becomes aware of circumstances at the Facility that present a previously unknown threat to human health or the environment, Ecology shall within thirty (30) days of issuance of the Certificate of Completion propose to remove the Facility from the Hazard Ranking List, pursuant to WAC 173-340-330(4).

Ecology agrees that all remedial actions specified in the Cleanup Action Plan, except confirmational monitoring, are complete. This letter constitutes Ecology's Certification of Completion pursuant to the Consent Decree.

Ecology remains concerned regarding concentrations of Total Petroleum Hydrocarbons (TPH) being detected at the site and regarding the change in groundwater conditions subsequent to the February 2001 Nisqually earthquake. The earthquake apparently changed groundwater flow directions, resulting in monitoring well B-4 now being a downgradient rather than an upgradient well. B-4 continues to have elevated TPH concentrations, as well as elevated cPAH concentrations. Wells MW-105, MW-101R, and MW-107R also have elevated TPH concentrations which are not readily explained by the concentrations measured in the sole remaining background well, B-6R.

Table 1 of the Cleanup Action Plan¹ clearly states that if TPH is detected, the data will be reviewed to evaluate whether groundwater is adequately protected pursuant to WAC 173-340-720(3)(c):

Method B cleanup levels to protect beneficial uses of ground water other than drinking water shall be established by the department on a case-by-case basis.

The 2004 monitoring report presents information regarding "background" concentrations of TPH based upon concentrations measured in B-4. However, Ecology cannot consider B-4 to be a representative upgradient well. In addition, whole effluent toxicity testing at other sites indicates a TPH concentration protective of beneficial uses of groundwater to protect aquatic life is generally less than 1000 µg/L. This is less than TPH concentrations measured in many of the site monitoring wells. Hence, Ecology does not believe that it has been demonstrated that cleanup levels have been met at the point of compliance for groundwater. As a result of the changed groundwater conditions since February 2001, it is not even clear that the point of compliance established in the 1997 consent decree is still appropriate.

Ecology considers the origin of the TPH to be unclear at present. Since it is present, Ecology will not delist the site at this time. This is necessary to maintain a record of the presence of this contamination until such time as Ecology has the resources to address it. Ecology is concerned that those involved with the site in the future can readily assess groundwater conditions beneath the site. Ecology believes continued monitoring is the appropriate response at this time.

With regard to continued monitoring, your letter of October 29, 2004 requests groundwater monitoring frequency be reduced to every 5 years and the list of constituents for analysis be reduced. Ecology approves the request to reduce of groundwater monitoring frequency to every 5 years. Ecology denies the request to reduce the list of constituents for analysis.

Sincerely,



David L. South
Senior Engineer
Toxics Cleanup Program

¹ Exhibit B of the Consent Decree.