



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 29, 2007

Mr. Carl Bach
The Boeing Company
PO Box 3707, M/C 1W-12
Seattle, WA 98124-2207

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

- Name: Eastgate Landfill
- Address: 2805 160th Avenue SE, Bellevue, WA 98008
- Facility/Site No.: 2017
- VCP No.: NW0471

Dear Mr. Bach:

Thank you for submitting documents regarding your proposed remedial action for the Eastgate Landfill 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 proposed 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 following release(s) at the Site:

- Methane in Soil and Air
- Benzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, and dieldrin in Landfill Refuse
- Arsenic, iron, manganese, benzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene and dieldrin in Soil and Ground Water

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

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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 proposed remedial action(s):

Proposed ADVANTA Office Commons @ I-90 and Shared Access Road

1. October 13, 2006, Re: Eastgate Landfill Project Environmental Protection Plan Approval and Approval for Excavation and Construction of Parking Facilities Currently Underway, to Include Landfill Gas System Improvements, letter from Seattle & King County Public Health.
2. August 9, 2006, IHI Environmental Scope of Work – Air Monitoring, Schnitzer Northwest ADVANTA Office Commons, submitted by Schnitzer Northwest LLC.
3. August 9, 2006, hand labeled figure titled "Phase I – Sitework" showing fencing and site construction layout, submitted by Schnitzer Northwest LLC
4. August 9, 2006, Final Methane Vapor Barrier Design for the Three Planned Office Buildings, Advanta Project – 3005 160th Avenue Southeast, Bellevue, Washington, report by GeoEngineers, Inc.
5. November 1, 2005, Construction Contingency Plan, Proposed Office Development, Boeing Site South of Eastgate Landfill, Bellevue, Washington, report by GeoEngineers, Inc.

Landfill Gas Extraction and Monitoring

1. January 2, 2007, Response to Department of Ecology Letter Dated 08-16-06 "Further action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site: Eastgate Landfill", letter from City of Bellevue.
2. October 2, 2006, Environmental Protection Plan, Former Eastgate Landfill, letter from SCS Engineers to Seattle & King County Public Health
3. June 19, 2006, Further Response to Ecology re: Review of Landfill gas System Modifications, Former Eastgate Landfill, memorandum from SCS Engineers
4. June 16, 2006, Re; Further Thoughts, email from Carl Bach, Boeing
5. June 15, 2006, Response to Ecology re: Review of Landfill Gas System

Modifications, Former Eastgate Landfill, memorandum from SCS Engineers.

6. June 6, 2006, Landfill Gas System Modifications Eastgate Landfill, Drawings and Project Manual (Final – Issued for Agency Review), prepared by SCS Engineers
7. January 3, 2006, Health and Safety Plan, Landfill Gas Control System Modifications, Eastgate Landfill, Bellevue, Washington, by SCS Engineers, received at Ecology on August 11, 2006.

Ground Water Monitoring

1. December 14, 2006, Further Action Groundwater Monitoring Work Plan, Former Eastgate Landfill, Bellevue, Washington, by Landau Associates

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, Sally Perkins, at 425-649-7190.

The Site is defined by the extent of contamination caused by the following release(s):

- Methane in Soil and Air
- Benzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, and dieldrin in Landfill Refuse
- Arsenic, iron, manganese, benzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene and dieldrin in Soil and Ground Water

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of your proposed remedial action and supporting documentation listed above, **Ecology has determined that the proposed remedial action is likely to be 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 following release(s) at the Site:**

- Methane in Soil and Air
- Benzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, and dieldrin in Landfill Refuse
- Arsenic, iron, manganese, benzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene and dieldrin in Soil and Ground Water

This opinion does not represent a determination by Ecology that the proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit an independent remedial action report to

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Ecology upon completion of the remedial action and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please be advised that before you commence work on your proposed remedial action(s), Ecology must approve any and all proposed uses of the Site that are inconsistent with the restrictive covenant recorded on your property. This opinion letter does not constitute any such approval. If, after public notice and comment, Ecology approves of your proposal, the restrictive covenant must be amended to reflect those changes before you commence work. These steps are required by the terms of the currently recorded restrictive covenant and WAC 173-340-440(9)(f).

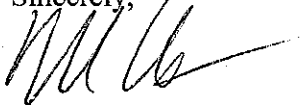
Further, please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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 425-649-7107.

Sincerely,



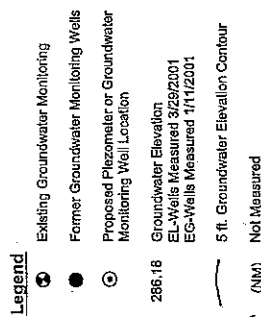
Mark Adams
Toxics Cleanup Program

MA:nr

Enclosure: A

cc: Clyde Wright, Schnitzer Northwest
Pam Fehrman, City of Bellevue
Joe Hickey, NWRO VCP Unit Manager
Sara Bendersky, Assistant Attorney General

APPROXIMATE
AREA OF
EASTGATE LANDFILL
MITCA SITE



Scale in Feet

2001 Groundwater
Elevation Contours

Former Eastgate Landfill
Bellevue, Washington

Figure 6

Source: Adapted from Duane Hartman and Associates 2002.

LANDAU ASSOCIATES

Boeing/Envirosearch Landfill V:\0251059\081\DCGW Mon Work Plan\Fig.6.dwg (A) Figure 6 1/12/2006

