STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, Washington 98504-7600 • 360-407-6300

August 14, 2024

Shad Bernhoft
Wells Property Management
5210 Russell Ave NW, Suite 100
Seattle, WA 98107
shad@wellspropertymanagement.com

Re: Opinion on Proposed Cleanup of the following Site:

Site Name:	Hollywood Video Ballard
Site Address:	1446 NW 53rd St, Seattle, King County, WA 98107
Facility/Site ID:	14234
Cleanup Site ID:	13232
VCP Project ID:	NW3324

Dear Shad Bernhoft:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Hollywood Video Ballard facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA),[1] chapter 70A.305[2] Revised Code of Washington (RCW).

Opinion

Ecology has determined that, upon completion of your proposed cleanup, no further remedial action will likely be necessary to clean up contamination at the Site.

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in chapter 70A.305 RCW and chapter 173-340 WAC[3] (collectively called "MTCA").

[1] https://apps.ecology.wa.gov/publications/SummaryPages/9406.html
[2] https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305
[3] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340

Description of the Site

This opinion applies to only the Site described as follows. The Site is defined by the nature and extent of contamination associated with the following releases:

- Diesel, oil, tetrachloroethene, and vinyl chloride into the groundwater.
- Benzene and naphthalene into the air.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note the parcel of real property associated with this Site is also located within the projected boundaries of the Tux Shop, Unocal 5479, and Hollywood Video facilities. Currently, we have no information that the parcel is actually affected. This opinion does not apply to any contamination associated with the Tux Shop, Unocal 5479, and Hollywood Video facilities.

Basis for the Opinion

This opinion is based on the information in the documents listed in **Enclosure B**

You can request these documents by filing a records request.[4] For help making a request, contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or call 360-407-6040. Before making a request, check whether the documents are available on Ecology's Cleanup and Tank Search web page.[5]

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that, upon completion of your proposed cleanup, no further remedial action will likely be necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

[4] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests
[5] https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=13232

Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A.**

In May of 2021, eight soil borings were installed on-Site. Thirty-two soil samples were collected and analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, tetrachloroethene, trichloroethene, vinyl chloride, chlorobenzene, 1,2-dichlorobenzene, 1,4-dichlorobenzene, acetone, chloroform, carbon disulfide, and methyl ethyl ketone. No other volatile organic compounds were detected.

Table 1. Soil Samples – May 2021

Contaminant	**MTCA Method A/B Cleanup Level** (mg/kg)	**Maximum Concentration** (mg/kg)	**Number of Exceedances/ Number of Samples**	**Number of Detections/ Number of Samples**
Gasoline	100	none	0/32	0/32
Diesel	2,000	none	0/32	0/32
Oil	2,000	none	0/32	0/32
Benzene	0.03	none	0/32	0/32
Ethylbenzene	6	none	0/32	0/32
Toluene	7	none	0/32	0/32
Xylene	9	none	0/32	0/32
Tetrachloroethene	0.05	0.0095	0/32	6/32
Trichloroethene	0.03	none	0/32	0/32
Vinyl chloride	0.67	0.00094	0/32	1/32
Chlorobenzene	1,600	0.027	0/32	3/32
1,2-dichlorobenzene	7,200	none	0/32	0/32
1,4-dichlorobenzene	190	0.03	0/32	3/32
Acetone	72,000	0.016	0/32	3/32
Chloroform	32	0.00091	0/32	1/32
Carbon disulfide	8,000	0.0015	0/32	2/32
Methyl ethyl ketone	48,000	0.0043	0/32	1/32

mg/kg = milligrams per kilogram

Eight groundwater grab samples, one from each boring, were collected and analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, tetrachloroethene, trichloroethene, cis 1,2-dichloroethene, vinyl chloride, acetone, carbon disulfide, chloroform, bromodichloromethane, sec-butylbenzene, p-isopropyltoluene, n-butylbenzene, and 1,4-dichlorobenzene.

Table 2. Groundwater Samples – May 2021

Contaminant	**MTCA Method A/B Cleanup Level** (µg/l)	**Maximum Concentration** (µg/l)	**Number of Exceedances/ Number of Samples**	**Number of Detections/ Number of Samples**
Gasoline	800	170	0/8	1/8
Diesel	500	610	1/8	3/8
Oil	500	610	1/8	6/8
Benzene	5	0.47	0/8	1/8
Ethylbenzene	700	none	0/8	0/8
Toluene	1.000	none	0/8	0/8
Xylene	1.000	none	0/8	0/8
Tetrachloroethene	5	44	4/8	8/8
Trichloroethene	5	1.1	0/8	4/8
Cis 1,2-dichloroethene	16	1.5	0/8	5/8
Vinyl chloride	0.2	0.27	1/8	1/8
Acetone	7,200	17	0/8	3/8
Carbon disulfide	800	0.2	0/8	1/8
Chloroform	1.4	6.2	2/8	6/8
Bromodichloromethane	0.71	0.21	0/8	1/8
Sec-Butylbenzene	800	0.24	0/8	1/8
p-Isopropyltoluene	none	0.24	none	1/8
n-Butylbenzene	400	0.33	0/8	1/8
1,4-dichlorobenzene	81	4	0/8	1/8

µg/l = micrograms per liter

In August of 2021, five groundwater monitoring wells were installed on-Site. One soil sample was collected from each well and analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, and vinyl chloride.

A groundwater sample was collected from each of the five wells and analyzed for the same analytes.

Four sub-slab soil gas samples were also collected and analyzed for EC 5-8 and 9-12 aliphatics and 9-10 aromatics, benzene, ethylbenzene, toluene, xylene, naphthalene, tetrachloroethene, trichloroethene, cis 1,2-dichloroethene, trans 1,2-dichloroethene, and vinyl chloride.

Table 3. Soil Samples – August 2021

Contaminant	**MTCA Method A/B Cleanup Level** (mg/kg)	**Maximum Concentration** (mg/kg)	**Number of Exceedances/ Number of Samples**	**Number of Detections/ Number of Samples**
Gasoline	100	none	0/5	0/5
Diesel	2,000	none	0/5	0/5
Oil	2,000	none	0/5	0/5
Benzene	0.03	none	0/5	0/5
Ethylbenzene	6	none	0/5	0/5
Toluene	7	none	0/5	0/5
Xylene	9	none	0/5	0/5
Tetrachloroethene	0.05	0.051	1/5	1/5
Trichloroethene	0.03	none	0/5	0/5
Cis 1,2-dichloroethene	160	none	0/5	0/5
Trans 1,2-dichloroethene	1,600	none	0/5	0/5
Vinyl chloride	0.67	none	0/5	0/5

Table 4. Groundwater Samples – August 2021

Contaminant	MTCA Method A/B Cleanup Level (µg/l)	Maximum Concentration (µg/l)	Number of Exceedances/ Number of Samples	Number of Detections/ Number of Samples
Gasoline	800	none	0/5	0/5
Diesel	500	none	0/5	0/5
Oil	500	none	0/5	0/5
Benzene	5	none	0/5	0/5
Ethylbenzene	700	none	0/5	0/5
Toluene	1.000	none	0/5	0/5
Xylene	1.000	none	0/5	0/5
Tetrachloroethene	5	31	3/5	5/5
Trichloroethene	5	4.6	0/5	3/5
Cis 1,2-dichloroethene	16	2.2	0/5	1/5
Trans 1.2-dichloroethene	160	none	0/5	0/5
Vinyl chloride	0.2	1.1	1/5	1/5

Table 5. Sub-slab Air Samples – August 2021

Contaminant	MTCA Method A/B Cleanup Level ($\mu g/m^3$)	Maximum Concentration ($\mu g/m^3$)	Number of Exceedances/ Number of Samples	Number of Detections/ Number of Samples
EC 5-8 aliphatics	none	3,200	0/4	4/4
EC 9-12 aliphatics	none	11,000	0/4	4/4
EC 9-10 aromatics	none	680	0/4	1/4
benzene	11	37	4/4	4/4
ethylbenzene	15,000	10	0/4	4/4
toluene	76,000	none	0/4	0/4
m,p-xylene	1,500	38	0/4	4/4
o-xylene	1,500	16	0/4	4/4
naphthalene	2.5	12	1/4	4/4
Vinyl chloride	9.5	none	0/4	0/4
Cis 1,2-dichloroethene	610	none	0/4	0/4
Trans 1,2-dichloroethene	610	none	0/4	0/4
Trichloroethene	11	5.8	0/4	2/4
Tetrachloroethene	320	110	0/4	2/4

$\mu g/m^3$ = micrograms per cubic meter

In July of 2022, during Site redevelopment, the five existing monitoring wells were abandoned and replaced by two new wells (MW-4R and MW-5R). A groundwater sample was collected from each well and analyzed for tetrachloroethene, trichloroethene, cis 1,2-dichloroethene, trans 1,2-dichloroethene, and vinyl chloride. None of the analytes were detected in either sample except for one detection of tetrachloroethene at a concentration below the MTCA Method A Site cleanup level (MW-5R).

In October of 2022 and January and April of 2023, groundwater samples were collected from each of the two wells and analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, tetrachloroethene, trichloroethene, cis 1,2-dichloroethene, trans 1,2-dichloroethene, and vinyl chloride.

Table 6. Groundwater Samples – October 2022 and January and April 2023

Contaminant	**MTCA Method A/B Cleanup Level** (µg/l)	**Maximum Concentration** (µg/l)	**Number of Exceedances/ Number of Samples**	**Number of Detections/ Number of Samples**
Gasoline	800	none	0/6	0/6
Diesel	500	1,200	1/6	3/6
Oil	500	none	0/6	0/6
Benzene	5	none	0/6	0/6
Ethylbenzene	700	none	0/6	0/6
Toluene	1.000	none	0/6	0/6
Xylene	1.000	none	0/6	0/6
Tetrachloroethene	5	none	0/6	0/6
Trichloroethene	5	none	0/6	0/6
Cis 1,2-dichloroethene	16	none	0/6	0/6
Trans 1.2-dichloroethene	160	none	0/6	0/6
Vinyl chloride	0.2	none	0/6	0/6

All three diesel detections occurred in one well (MW-5R)

In April of 2024, two sub-slab vapor samples, two indoor air samples, and one ambient air sample were collected and analyzed for EC 5-8 and 9-12 aliphatics and 9-10 aromatics, benzene, ethylbenzene, toluene, xylene, naphthalene, tetrachloroethene, trichloroethene, cis 1,2-dichloroethene, trans 1,2-dichloroethene, and vinyl chloride.

Table 7. Sub-slab Air Samples – April 2024

Contaminant	MTCA Method A/B Cleanup Level ($\mu g/m^3$)	Maximum Concentration ($\mu g/m^3$)	Number of Exceedances/ Number of Samples	Number of Detections/ Number of Samples
EC 5-8 aliphatics	none	none	0/2	0/2
EC 9-12 aliphatics	none	190	0/2	2/2
EC 9-10 aromatics	none	none	0/2	0/2
benzene	11	23	1/2	1/2
ethylbenzene	15,000	none	0/2	0/2
toluene	76,000	none	0/2	0/2
m,p-xylene	1,500	7.6	0/2	2/2
o-xylene	1,500	3.4	0/2	1/2
naphthalene	2.5	none	0/2	0/2
Vinyl chloride	9.5	none	0/2	0/2
Cis 1,2-dichloroethene	610	none	0/2	0/2
Trans 1,2-dichloroethene	610	none	0/2	0/2
Trichloroethene	11	none	0/2	0/2
Tetrachloroethene	320	none	0/2	0/2

The cleanup level for xylenes is for the sum of the meta, ortho, and para isomers.

Table 8. Indoor Air Samples – April 2024

Contaminant	MTCA Method A/B Cleanup Level ($\mu g/m^3$)	Maximum Concentration ($\mu g/m^3$)	Number of Exceedances/ Number of Samples	Number of Detections/ Number of Samples	Ambient Air ($\mu g/m^3$)
EC 5-8 aliphatics	none	none	0/2	0/2	none
EC 9-12 aliphatics	none	74	0/2	2/2	40
EC 9-10 aromatics	none	none	0/2	0/2	none
benzene	0.321	0.45	1/2	1/2	none
ethylbenzene	457	none	0/2	0/2	none
toluene	2,290	none	0/2	0/2	none
m,p-xylene	45.7	none	0/2	0/2	none
o-xylene	45.7	none	0/2	0/2	none
naphthalene	0.0735	0.17 J	2/2	2/2	0.34
Vinyl chloride	0.284	none	0/2	0/2	none
Cis 1,2-dichloroethene	18.3	none	0/2	0/2	none
Trans 1,2-dichloroethene	18.3	none	0/2	0/2	none
Trichloroethene	0.334	none	0/2	0/2	none
Tetrachloroethene	9.62	none	0/2	0/2	none

Setting Cleanup Standards

Points of Compliance

A standard vertical point of compliance, from the uppermost level of the saturated zone to the lowest depth that could potentially be affected, was used for groundwater contamination.

Table 9. Cleanup levels for Groundwater and Soil Gas

Hazardous Substance	Method A/B Groundwater Cleanup Level (µg/l)	Method B Vapor Intrusion Soil Gas Cleanup Level (µg/m3)
Diesel	500	1,500
Oil	500	1,500
Benzene	5	11
Naphthalene	160	2.5
Tetrachloroethene	5	320
Vinyl chloride	0.2	9.5

Selecting the cleanup action

Ecology has determined the cleanup action you proposed for the Site meets the substantive requirements of MTCA.

You propose to re-develop the Property with a building that will cover the entire Property. The building will include a vapor barrier and/or a sub-slab depressurization system to protect against possible vapor intrusion. An environmental covenant will be placed on the Property to prevent access to groundwater.

This action meets the minimum requirements for cleanup actions by providing a permanent solution, immediate restoration timeframe, and protects human health and the environment.

Limitations of the Opinion

Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion does not:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. See RCW 70A.305.080 and WAC 173-340-545.

Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the Voluntary Cleanup Program (VCP).

State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion.
See RCW 70A.305.170.

Contact Information

Thank you for choosing to clean up the Site under the VCP. As you conduct your cleanup, please do not hesitate to request additional services. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our webpage[6]. If you have any questions about this opinion, please contact me at christopher.maurer@ecy.wa.gov or 360-407-7223.

Sincerely,

Christopher Maurer, P.E.
HQ – Toxics Cleanup Program

Enclosure: A – Site Description and Diagrams
B – Basis for the Opinion –Documents List

cc by email: Scott Rose, Associated Environmental Group
Amy Hargrove, Ecology
Ecology Site File

[6] https://www.ecy.wa.gov/vcp

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Enclosure A

Site Description and Diagrams

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Site Description

GILMAN PARK ADD

Plat Block: 135

Plat Lot: 21

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Site Diagrams

Figures from AEG's *April 2023 Groundwater Monitoring Report* dated July 15, 2023

Figure from AEG's *Remedial Investigation And Focused Feasibility Study Report,* dated September 27, 2021.

Figures from Environmental Partners, Inc.'s, *Additional Phase II Environmental Site Assessment Letter Report,* dated May 2, 2002. (adjoining contaminated site)

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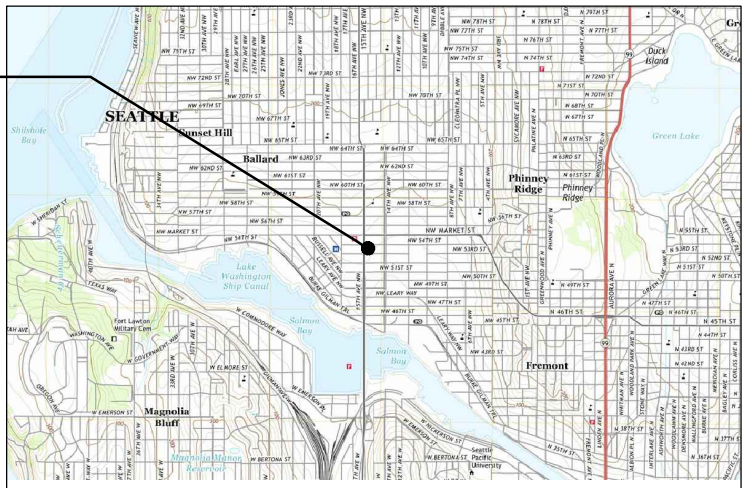
FILENAME	DRAWN BY		CHECKED BY		APPROVED BY		PROJECT NUMBER
21-101_21Q2.DWG	ICD	6/8/2021	JS	6/8/2021	JS	6/8/2021	21-101

PROJECT LOCATION

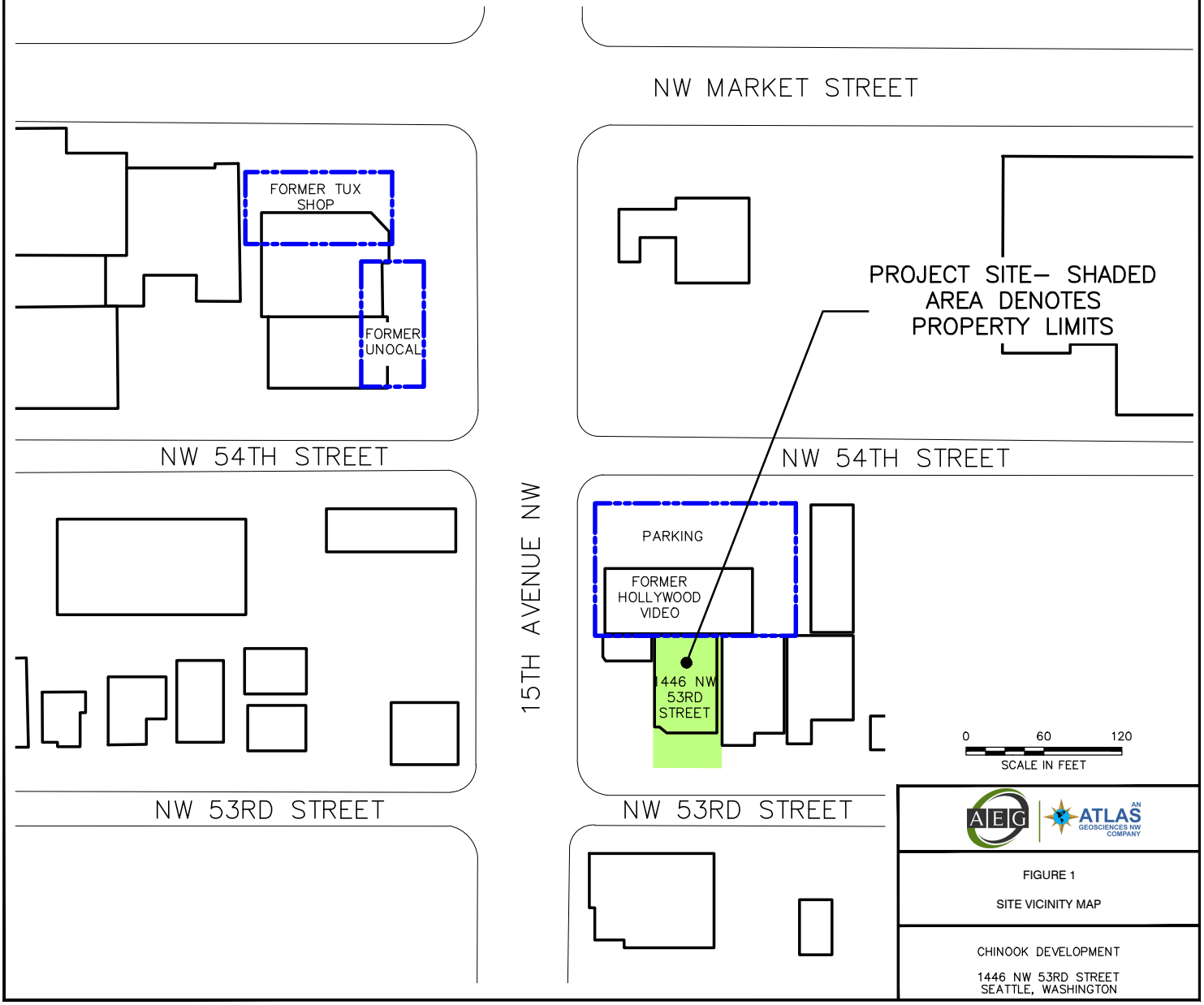


NOTES

1. THE LOCATIONS OF ALL FEATURES SHOWN ARE APPROXIMATE
2. THIS DRAWING IS FOR INFORMATION PURPOSES. IT IS INTENDED TO ASSIST IN SHOWING FEATURES DISCUSSED IN AN ATTACHED DOCUMENT.

REFERENCE

DRAWING CREATED FROM AERIAL PHOTOGRAPH AND NOTES PROVIDED BY AEG,
VICINITY IMAGE SOURCE: U.S. GEOLOGICAL SURVEY–2020, 7.5 MINUTE QUADRANGLE MAP
SEATTLE NORTH, WASHINGTON



AEG | AN ATLAS GEOSCIENCES NW COMPANY

FIGURE 1

SITE VICINITY MAP

CHINOOK DEVELOPMENT

1446 NW 53RD STREET
SEATTLE, WASHINGTON

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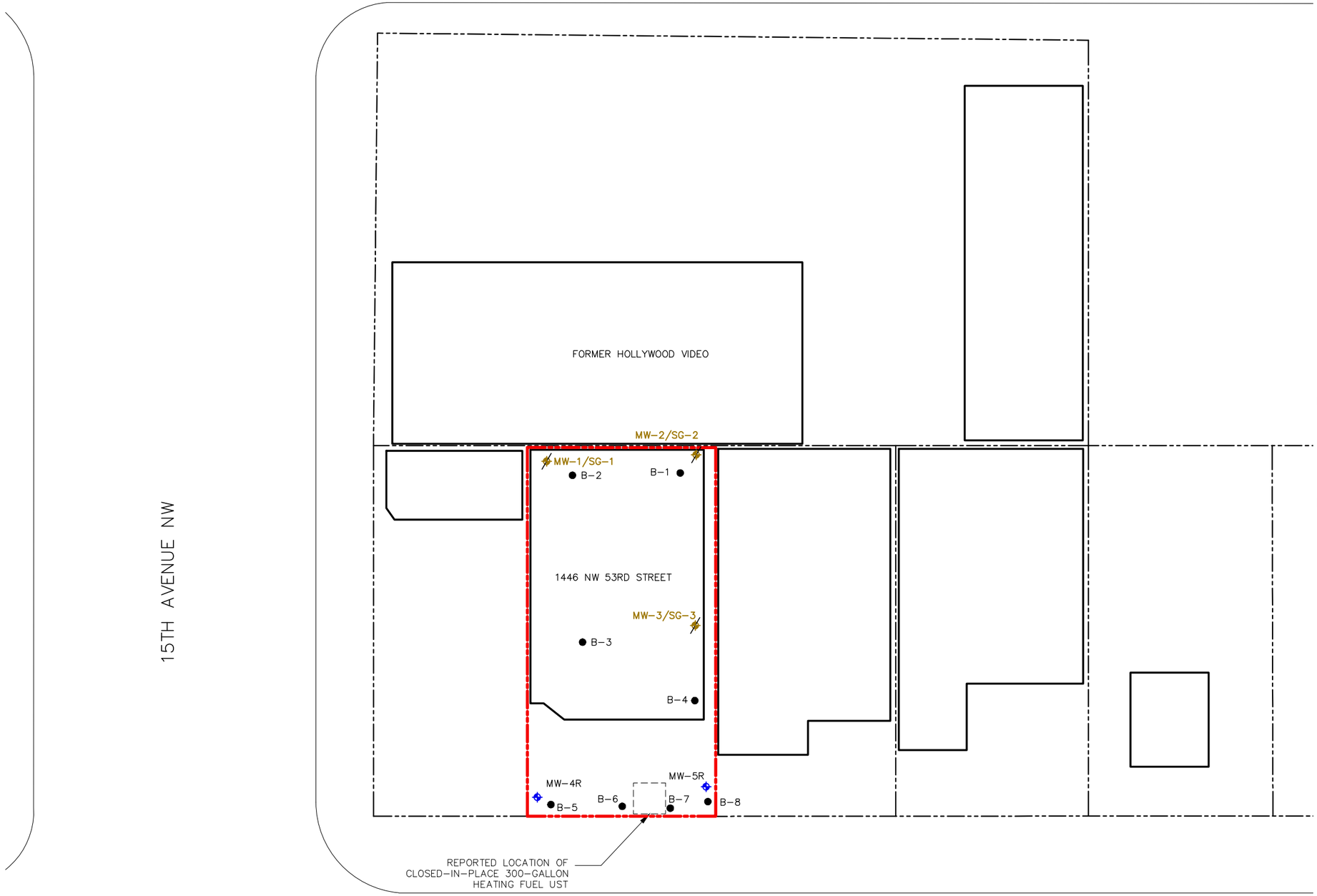
FILENAME	DRAWN BY	CHECKED BY	APPROVED BY	PROJECT NUMBER
21-101_2203_1.DWG	ICD 7/20/2022	JS 7/20/2022	JS 7/20/2022	21-101



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LEGEND

- APPROXIMATE PROPERTY LINE
- APPROXIMATE SITE BOUNDARY
- MW-5 — MONITORING WELL LOCATION
- B-1 — BORING LOCATION (MAY 2021)
- MW-1 — DECOMMISSIONED MONITORING WELL

NOTES

1. THE LOCATIONS OF ALL FEATURES SHOWN ARE APPROXIMATE
2. THIS DRAWING IS FOR INFORMATION PURPOSES. IT IS INTENDED TO ASSIST IN SHOWING FEATURES DISCUSSED IN AN ATTACHED DOCUMENT.

REFERENCE

BASED ON FIGURES CREATED BY ENVIRONMENTAL PARTNERS, INC..

0 15 30
SCALE IN FEET

AEG | AN ATLAS GEOSCIENCES NW COMPANY

FIGURE 2

SITE MAP

CHINOOK DEVELOPMENT

1446 NW 53RD STREET
SEATTLE, WASHINGTON

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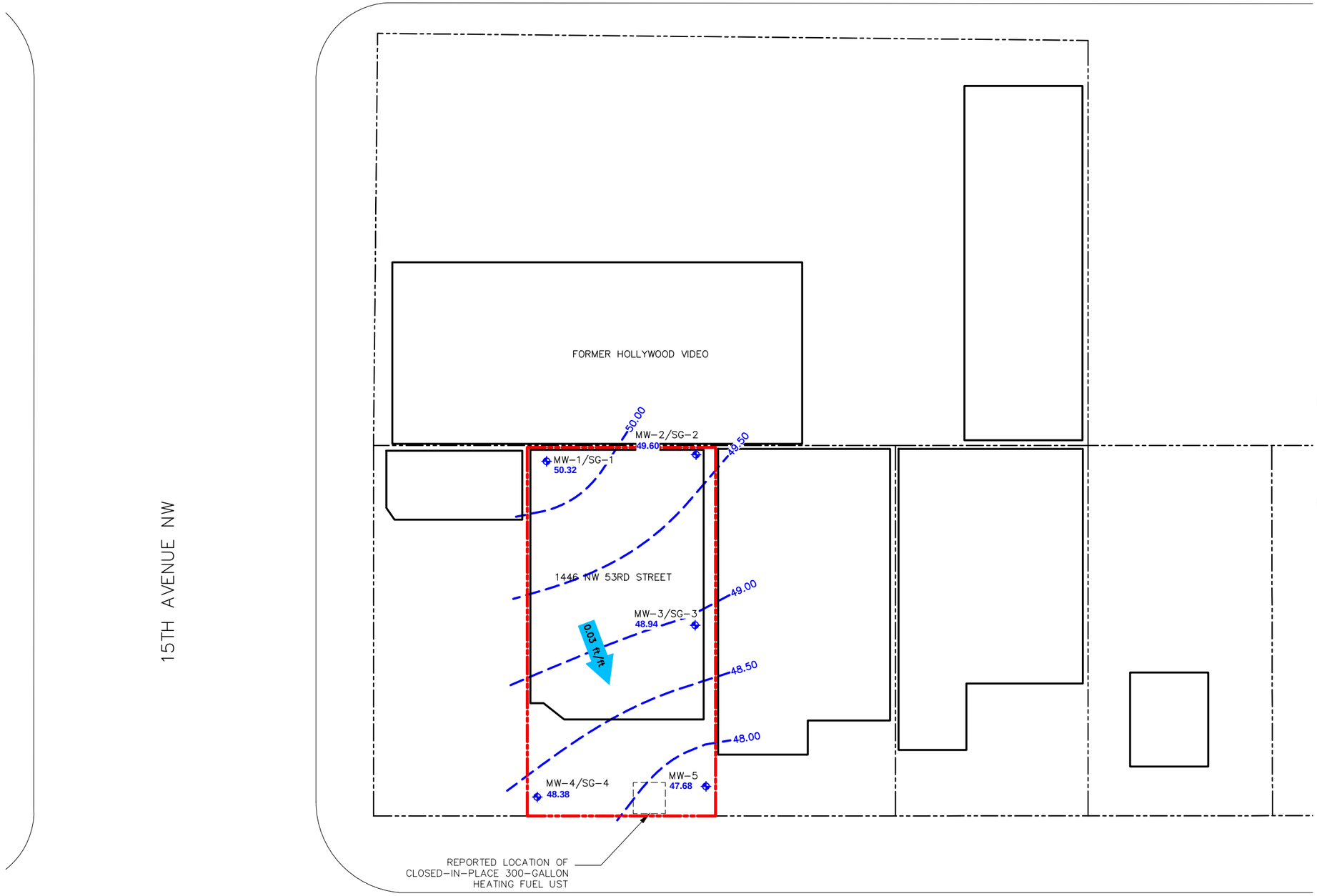
FILENAME	DRAWN BY	CHECKED BY	APPROVED BY	PROJECT NUMBER
21-101_2103_2.DWG	ICD 9/23/2021	JS 9/23/2021	JS 9/23/2021	21-101



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W E
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LEGEND

- APPROXIMATE PROPERTY LINE
- APPROXIMATE SITE BOUNDARY
- MW-5 — MONITORING WELL LOCATION
- 49.60 — GROUNDWATER ELEVATION (FEET)
- 49.00 — INFERRED GROUNDWATER ELEVATION CONTOUR (FEET)
- CONTOUR INTERVAL=0.50 FEET
- 0.03 ft/ft — APPROXIMATE GROUNDWATER GRADIENT DIRECTION (ft/ft)

NOTES

1. THE LOCATIONS OF ALL FEATURES SHOWN ARE APPROXIMATE
2. THIS DRAWING IS FOR INFORMATION PURPOSES. IT IS INTENDED TO ASSIST IN SHOWING FEATURES DISCUSSED IN AN ATTACHED DOCUMENT.

REFERENCE

BASED ON FIGURES CREATED BY ENVIRONMENTAL PARTNERS, INC..

0 15 30
SCALE IN FEET

AEG Associated Environmental Group, LLC

FIGURE 4

GROUNDWATER ELEVATION CONTOUR MAP
08/23/2021

CHINOOK DEVELOPMENT

1446 NW 53RD STREET
SEATTLE, WASHINGTON

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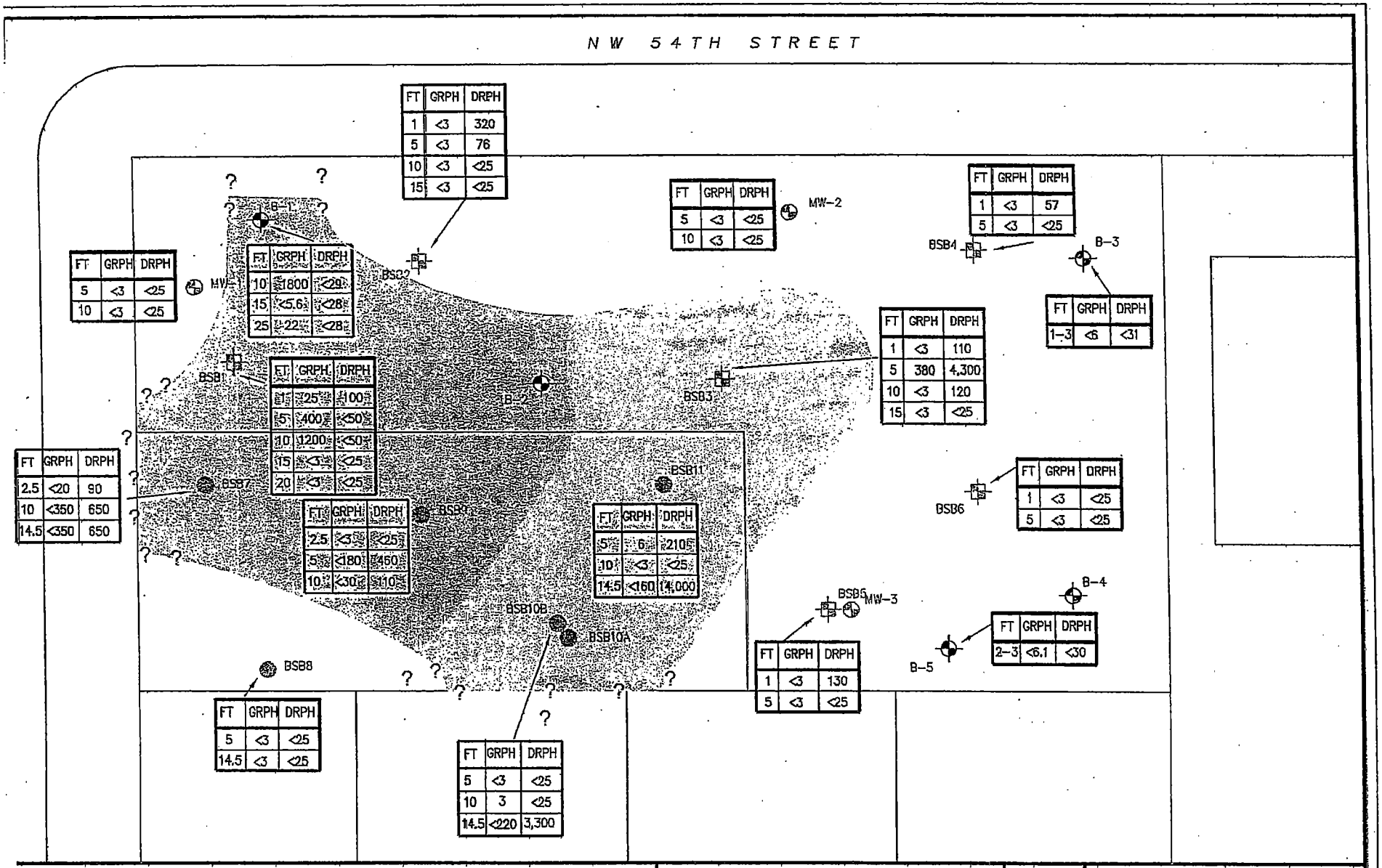

ENVIRONMENTAL PARTNERS INC

FIGURE 4
SOIL SAMPLING RESULTS FOR GRPH AND DRPH IN mg/kg WITH ESTIMATED EXTENT OF IMPACT

PROJECT	082165.1			
PREPARED FOR	SAFEWAY INC.			
LOCATION	15TH AVENUE NORTHWEST BALLARD, WA			
SHEET	1 of 1	DRAWN BY	BPS	REVIEWED BY TCM	DATE 2/20/02

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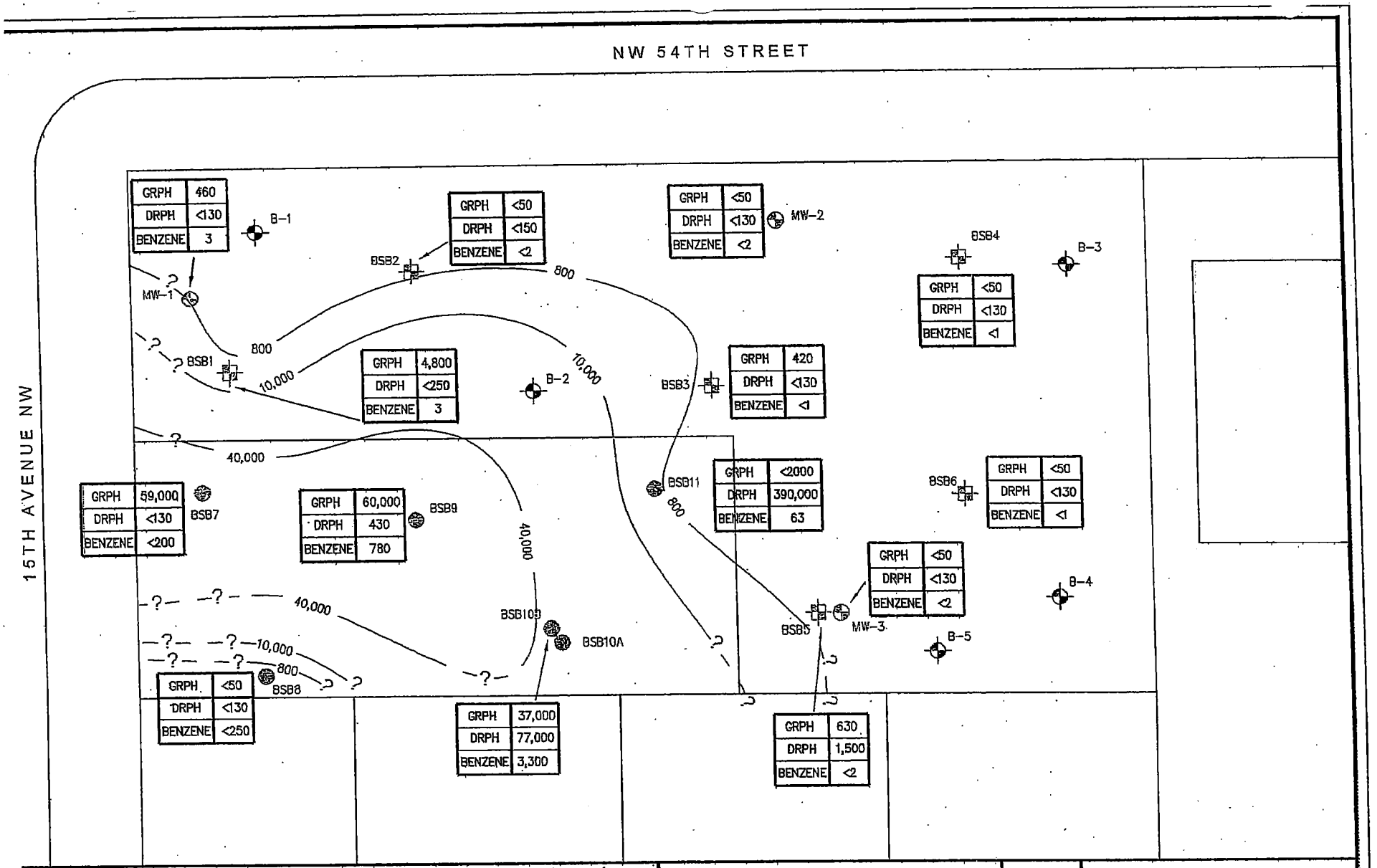

ENVIRONMENTAL PARTNERS INC

FIGURE 5
GROUND WATER SAMPLING RESULTS FOR GRPH, DRPH, AND BENZENE WITH GRPH CONCENTRATION CONTOURS

PROJECT	082165.1
PREPARED FOR	SAFEWAY INC.
LOCATION	15TH AVENUE NORTHWEST BALLARD, WA

SHEET	DRAWN BY	REVIEWED BY	DATE
1 of 1	DKM	TCM	2/20/02

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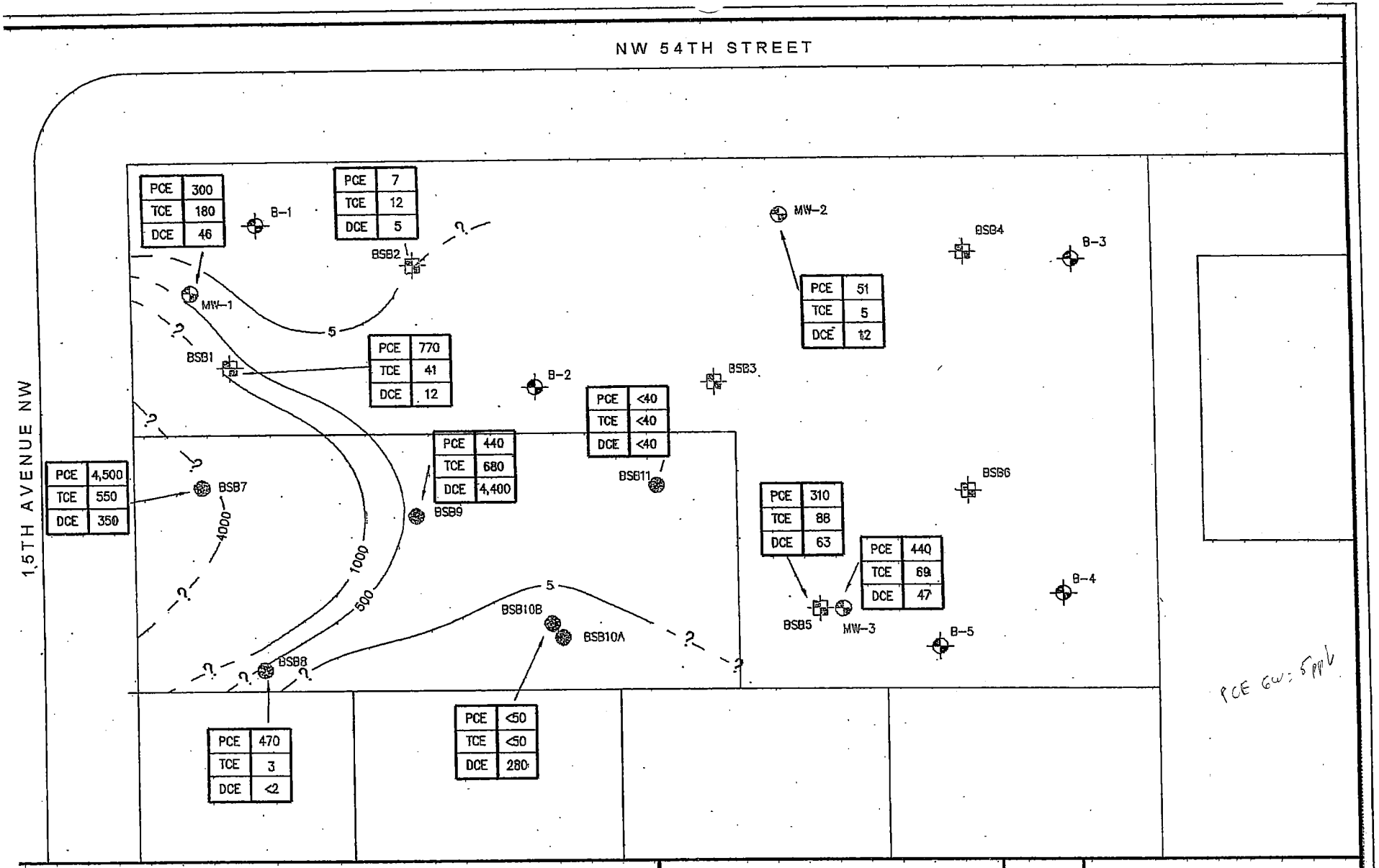

ENVIRONMENTAL PARTNERS INC

FIGURE 7
GROUND WATER SAMPLING RESULTS FOR CHLORINATED VOCS IN µg/L

PROJECT	082165.1
PREPARED FOR	SAFEWAY INC.
LOCATION	5314 15TH AVENUE NORTHWEST BALLARD, WA

SHEET	DRAWN BY	REVIEWED BY	DATE
1 of 1	DKM	TCM	2/19/02

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Enclosure B

Basis for the Opinion: Documents List

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Documents List

1. Environmental Partners, *Phase I Environmental Site Assessment*, November 29, 2001. (adjoining contaminated site)
2. Environmental Partners, *Additional Phase II Environmental Site Assessment Letter Report*, May 2, 2002. (adjoining contaminated site)
3. Aerotech Environmental Consulting, *Phase I Environmental Site Assessment*, July 5, 2018.
4. Earth Solutions NW, *Phase II Environmental Site Assessment*, May 27, 2021
5. Associated Environmental Group (AEG), *Data Summary Technical Memorandum*, September 8, 2021.
6. AEG, *Remedial Investigation and Focused Feasibility Study Report*, September 27, 2021.
7. AEG, *January 2023 Groundwater Monitoring Report*, March 11, 2023.
8. AEG, *April 2023 Groundwater Monitoring Report,* July 15, 2023.
9. AEG, *Vapor Assessment Technical Memorandum*, July 28, 2024.