



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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July 11, 2012

Mr. Kevin Daniels
Daniels Development Co., LLC
2401 Utah Avenue South, Suite 305
Seattle, WA 98134

Re: Opinion Pursuant to WAC 173-340-515(5) on the Ecology Review Draft Feasibility Study Addendum North Lot Property for the Following Hazardous Waste Site:

- Name: North Lot Development
- Property Address: 201 South King Street, Seattle, WA 98104
- Facility/Site No.: 5378137

Dear Mr. Daniels:

Thank you for submitting documents regarding your proposed remedial action for the North Lot Development facility (Site). 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 a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for site characterization.

The soil contamination in the eastern parcel of the Property includes one distinct, localized area of creosote-like material present at the base of the fill in the northeastern parcel (figures 4 and 5). Based on analytical data the following constituents of concern were detected at concentrations greater than the cleanup levels in the northeastern portion of the Property:

- Gasoline-range petroleum hydrocarbons (TPH-G), diesel-range petroleum hydrocarbons (TPH-D), motor oil-range petroleum hydrocarbons (TPH-O), benzene, toluene, ethylbenzene, xylenes (BTEX) in soil;
- TPH-G, TPH-D, TPH-O, and benzene in ground water;
- Polycyclic aromatic hydrocarbons (PAHs) and Carcinogenic PAHs (CPAHs) in soil and ground water;
- Arsenic and mercury in soil;
- Arsenic in ground water;



Mr. Daniels
July 13, 2012
Page 2

- Dioxins and furans in soil.

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

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):

1. Ecology Review Draft Feasibility Study Addendum North Lot Property, Seattle, Washington, prepared by Landau Associates dated June 22, 2012.

The report 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 at (425) 649-7235.

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

- TPH-G, TPH-D, TPH-O and BTEX in soil;
- TPH-G, TPH-D, TPH-O and benzene in ground water;
- PAHs and cPAHs in soil and ground water;
- Arsenic and mercury in soil;
- Arsenic in ground water;
- Dioxins and furans in soil

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC**, Ecology has determined that further action is required for the FS. A draft final FS should be submitted incorporating the changes in Alternative 3 as explained below.

This Feasibility Study Addendum was prepared to document proposed changes to the Feasibility Study (Landau Associates) approved by Ecology for the property known as the "North Lot Property" in Seattle, Washington (Property). The proposed changes are related to changes in the planned development on the eastern parcel of the Property. 225 S. King Street LP is currently negotiating with North Lot Development LLC (NLD) regarding the proposed purchase of the eastern parcel of the property. After purchase 255 S. King Street LP will execute a development plan for the eastern parcel of the Property, which would include

construction of a high-rise hotel and commercial/retail building with one level of below-ground parking.

255 S. King Street LP's proposed excavation for construction of the below-ground parking represents a substantial change from the development plan identified for the eastern parcel by NLD, requiring an addendum to the Feasibility Study (FS), as well as amendments to the Cleanup Action Plan (CAP) for the Property.

The additional excavation on the eastern parcel required as part of 255 S. King Street LP's development plan would result in the removal of a greater volume of contaminated soil from the eastern parcel of the Property than was identified as part of Alternative 3 in the FS. As part of the revised development plan, shallow fill material between 0 and 17.5 ft below ground surface (bgs) would be excavated from within the building footprint and disposed of offsite under an appropriate material management plan. Based on the current construction plan, an estimated 33,439 cubic yards of material would be excavated 255 S. King Street LP as part of the potential construction on the eastern parcel.

Concentrations of benzene and gasoline above cleanup standards are present in soil adjacent to the creosote layer at the base of the fill material, and could pose a vapor intrusion risk to users of the below-ground parking structure. To mitigate the potential for vapor intrusion, a vapor barrier would be installed as part of the building construction in conjunction with a water barrier, and the below-grade parking structure would be properly vented with positive pressure. The vapor barrier and associated indoor air sampling that would be conducted following building construction will be detailed in the revised CAP.

Consistent with Alternative 3 in the FS, the revised remedial action approach would include:

- Additional soil excavation in conjunction with development activities,
- Added measures equally effective in preventing contact with shallow contaminated soil within the Property boundary outside of the footprint of the building foundation on the eastern parcel,
- Institutional controls including provisions for soil management plan for any future work requiring disturbance of the cap and provisions to prohibit groundwater use,
- Groundwater compliance monitoring.

Concentrations of benzene and gasoline above cleanup levels are present in deeper (approximately 20 ft bgs) soil and groundwater in the northeastern portion of the Property adjacent to the creosote layer at the base of the fill. These concentrations of benzene and gasoline pose a potential vapor intrusion threat to users of the below-ground parking planned for the eastern parcel. Ecology will require a vapor monitoring plan and system to be included in the amended FS for the eastern parcel of the Property.

Mr. Daniels
July 13, 2012
Page 4

Ecology concurs with the designation of Points of Compliance as detailed in Section 1.4 of the Draft FS Addendum

Under the proposed development plan, all the Property will be covered by a high-rise hotel and commercial/retail building with one level of below-ground parking, and surrounding pavement and landscaping. Soil directly beneath the building will be largely inaccessible, and unlikely to be disturbed in the future. Contaminated soils outside the foot print of the two buildings, especially soils close to the surface, could, by contrast, be readily accessed in the future. Such access could result in direct exposure to maintenance personnel, utility line installers, landscapers, and others, unless institutional controls are maintained with a high degree of diligence. Ecology will require the cap that is described in the FS for the western parcel of the Property be extended to these areas not covered by the building footprint. Excavating to 5 ft bgs or providing a concrete barrier outside the footprints of the building foundations to mitigate the potential for future exposure to construction workers by either permanently removing additional contaminated soil or providing added physical containment.

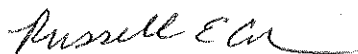
The FS should also include establishing conditional points of compliance if monitoring wells can't be installed on the Property line. In addition, Ecology requires the submittal of the proposed institutional controls to be implemented at the Site. This submittal should include: a foundation plan, a profile showing the depth of piles, grade beams, elevator pits, and utilities trenches, a building foot print plan, and a compliance groundwater monitoring plan.

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.

If you have any questions regarding this opinion, please contact me at (425) 649-7038.

Sincerely,

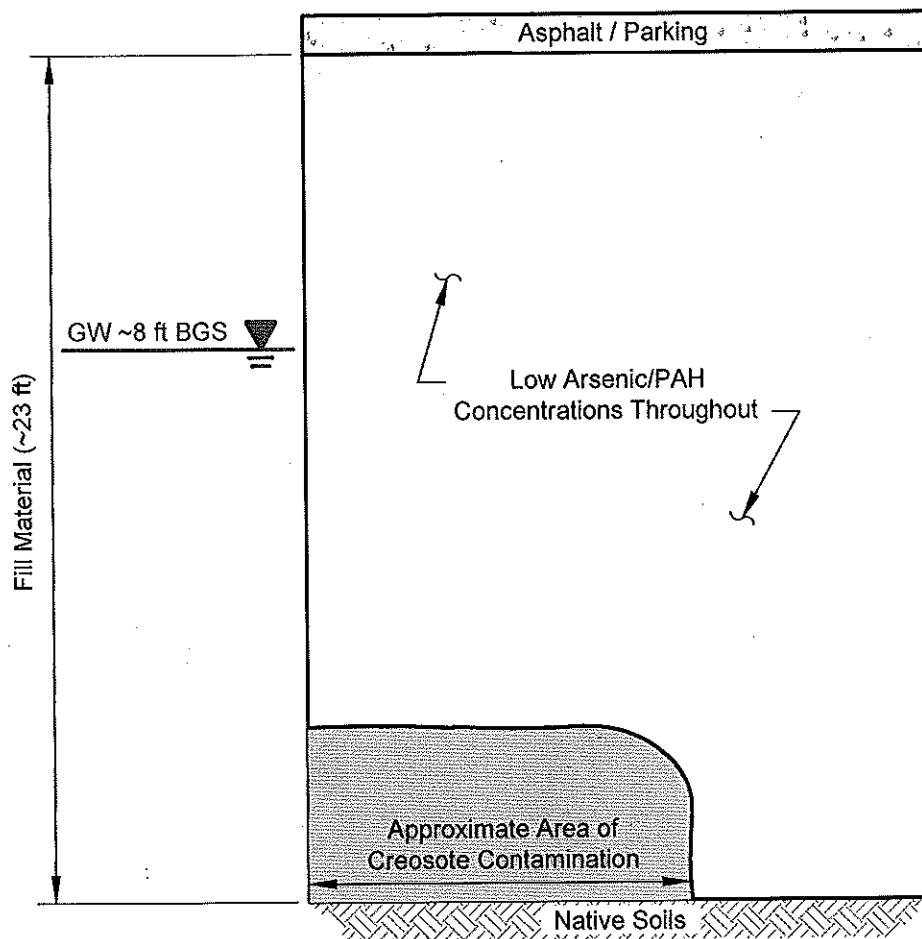


Russell E. Olsen, MPA
Toxics Cleanup Program

Enclosures (1): A – Diagrams of the Site (figures 4 and 5)

cc: Tim Syverson, Landau Associates, Inc.
Charles R. Wolfe, Counsel for North Lot Development, LLC

North Lot | V:\13070010\10.012\Figure 5_6.dwg (A) Figure 5" 6/19/2012



North Lot
Development Property
Seattle, Washington

Conceptual Eastern Parcel
Cross Section: Current
Property Conditions

Figure
5