



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 3, 2012

Mr. Alan Cornell
Daniels Real Estate
2401 Utah Avenue South, Suite 305
Seattle, WA 98134

**Re: Cleanup Action Report Review for the Cleanup at the
West Block of the North Lot Development Cleanup Action
North Lot Development Site
201 South King Street
Seattle, WA 98104
Cleanup ID#: 1966
Prospective Purchaser Consent Decree No. 11-2-27892-1**

Dear Mr. Cornell:

The purpose of this letter is to summarize the status of Cleanup Action Plan (CAP) implementation at the West Block of the North Lot Development Site (Site). The CAP was incorporated into the above referenced Prospective Purchaser Consent Decree (PPCD) dated August 12, 2011.

On September 28, 2012, North Lot Development, LLC (NLD) submitted a Cleanup Action Report, which was received and reviewed by the Department of Ecology (Ecology), reporting that certain elements of the CAP and PPCD have been completed for the West Block, and identifying those elements that remain to be completed as follows:

Hotspot Excavation of Contaminated Soil from the Former Gasoline Station Area (As required in Section VI of the PPCD). Approximately 675 cubic yards of soil with benzene concentrations greater than the remediation level of 780 micrograms per kilogram ($\mu\text{g}/\text{kg}$) was removed from the northwestern portion of the Property and disposed of off-Property at an approved facility to mitigate the potential for vapor intrusion. The hotspot soil excavation and enhanced bioremediation (see below) activities are documented in the January 9, 2012, technical memorandum submitted to Ecology (Landau Associates 2012a).

Enhanced Bioremediation for Impacted Soil/Groundwater in the Hotspot Excavation Area (As required in Section VI of the PPCD). A bioremediation material, ORC Advanced® manufactured by Regenesys, was placed in the bottom of the hotspot excavation area prior to backfilling. The ORC Advanced will accelerate the rate of naturally occurring aerobic

contaminant biodegradation to enhance the degradation of residual gasoline and benzene present at or near the groundwater table. Based on model calculations from the vendor, which took into account the anticipated hotspot excavation area and the contaminant concentrations, approximately 900 pounds of ORC Advanced was placed at the bottom of the hotspot excavation area prior to backfilling. Following placement of the ORC Advanced, the hotspot excavation was backfilled with clean imported fill.

Construction Soil Excavation (As required in Section VI of the PPCD). As discussed in Section 1.1 of the CAP, project construction included removal and off-Property disposal of soil across the Property to a depth of approximately 1.5 feet (ft) below ground surface (BGS). Soil/surface materials (including existing asphalt, associated subgrade, and shallow soil/fill) were removed from the West Block as part of construction. Additional below-grade excavation included excavation in the areas of utilities, piles, grade beams, and elevator pits, within the footprints of the building foundations. Approximately 13,890 cubic yards of material was excavated and disposed of off-Property as part of construction. The material excavated and disposed of as part of construction is in addition to the materials excavated and disposed of as part of the hotspot excavation and the heating oil underground storage tank (UST) removal work. Excavated material, including shallow contaminated soil, removed during construction was disposed of off-Property consistent with MTCA and other applicable regulations.

Heating Oil Underground Storage Tank Removal. A heating oil UST was encountered during construction soil excavation for the West Block. The heating oil UST was removed in accordance with the MTCA Cleanup Regulations (Chapter 173-340 WAC), Dangerous Waste Regulations (Chapter 173-303 WAC) for the handling and disposal of contaminated media, and the UST regulations (Chapter 173-360 WAC, including WAC 173-360-385). Ecology provided NLD with a waiver of the 30-day notice requirement for UST closure (Ecology 2012). The UST was removed along with about 1,012 cubic yards of petroleum-contaminated soil (PCS) and confirmation samples were collected from the UST excavation. After removal of the UST, associated piping, and surrounding soils, there was no evidence of PCS around the former location of the tank. The laboratory analytical results indicated that the petroleum hydrocarbon concentrations in the soil samples collected from the UST excavation are all below the laboratory reporting limits and/or less than the applicable Property cleanup levels. The UST removal activities are documented in the February 9, 2012, technical memorandum submitted to Ecology (Landau Associates 2012b).

Surface Cap (As required in Section VI of the PPCD). Placement of the surface cap, which consists of the concrete building foundation, has been completed. The contaminated soils remaining in place at the West Block are contained beneath the building foundation.

Added Measures to Prevent Contact with Contaminated Soils Outside the Building Foundations (As required in Section VI of the PPCD). The areas of shallow contaminated soil within the Property boundary outside of the footprint of the building foundation have been addressed by added measures that are considered to be equally effective in containing the contaminated soil and preventing potential human contact with shallow soil. The landscaped areas outside of the building foundation footprint within the Property boundary have been

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excavated to 5 ft BGS and backfilled with clean soil, and all other areas outside of the building foundation footprint within the Property boundary have been capped with concrete.

Sidewalk Area Outside Building Footprint/Landscape Scope (East sidewalk) (As required in Section VI of the PPCD). Remove approximately 18 inches of soil in the sidewalk area and 5 feet in the landscape/planter area. In the sidewalk area a concrete barrier was constructed. In the planter area a barrier was placed at the bottom of the landscaped area and it was backfilled with clean soil.

Private Drive (East sidewalk) (East ½ of Street) (As required in Section VI of the PPCD). Remove approximately 18 inches of soil construct a concrete barrier.

The following cleanup action elements included in the CAP have yet to be completed for the West Block:

Required Institutional Controls. Institutional controls shall be implemented for the West Block to assure the continued protection of human health and the environment. Institutional controls include restrictions on disturbance of the surface cap at the Property except as part of the cleanup action, and a restriction on the use of site groundwater as drinking water. A deed restriction documenting these limitations shall be used for the West Block.

Groundwater Compliance Monitoring. As required under WAC 173-340-410 MTCA, monitoring is required in the cleanup action plan to assess contaminant concentrations in groundwater and document groundwater flow direction. A groundwater compliance monitoring plan is provided for in 3.1.6 of the CAP. The groundwater compliance monitoring includes the installation of two additional groundwater monitoring wells on the West Block (which has been completed), groundwater monitoring and sample collection at the new wells and existing wells, and laboratory analysis of groundwater samples. Compliance reports shall be submitted to Ecology according to the schedule presented in Section 3.1.6 of the CAP.

Pursuant to Section XXVIII of the PPCD, the remedial program shall be maintained and continued until NLD has received a written Certificate of Completion from Ecology.
If you have any questions regarding this letter, please contact me at (425) 649-7038 or by email at rols461@ecy.wa.gov.

Sincerely,



Russell E. Olsen, MPA
Toxics Cleanup Program
Voluntary Cleanup Program Unit Supervisor

