



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 13, 2013

MR. GREG VAN PATTEN
SEATTLE CORE DEVELOPMENT SITE I, LLC
6710 E. CAMELBACK ROAD, SUITE 100
SCOTTSDALE, AZ 85251

Re: Opinion Pursuant to WAC 173-340-515(5) on Remedial Actions for the Following Hazardous Waste Site:

- **Name:** Boylston Property (Former BMW Seattle Property)
- **Address:** 714 E. Pike / 715 E. Pine Street, WA
- **Facility/Site No.:** 33641566
- **CS ID:** 1055
- **VCP No.:** NW2618

Dear Mr. Van Patten:

Thank you for submitting the Cleanup Action Plan and the Focused Feasibility Study report regarding your remedial actions for Boylston Property (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 a review of the submitted report pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following releases at the Site:

- Total Petroleum Hydrocarbons – as gasoline (TPH-G), diesel range (TPH-D), and heavy oil-range (TPH-O) into soil.
- Lead and cadmium into 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.



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Ecology's Toxics Cleanup Program has reviewed the following information regarding your remedial actions:

1. Hart Crowser, Inc., September 20, 2013, Cleanup Action Plan/Construction Contingency Plan, Boylston.
2. Hart Crowser, Inc., September 20, 2013, Focused Feasibility Study, Boylston Property.
3. Hart Crowser, Inc., January 31, 2013, Remedial Investigation (RI), Boylston.

The cleanup work plan and other documents 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, or sending an email to nwro_public_request@ecy.wa.gov.

The remedial investigation conducted at this Site in 2012 concluded the presence of petroleum hydrocarbons and metals contamination in soil at concentrations exceeding MTCA Method A cleanup levels. In accordance to the feasibility study, over-excavation is selected as the remedy to remove and dispose all the contaminated soils from the Site. Ecology concurs with your proposal, which includes to remove the impacted soil as demonstrated on Figure 1.

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, for characterizing and addressing the following release(s) at the Site, Ecology has determined:**

- Numerous site assessments conducted from 1989 to 2013 by various consulting firms have identified the contaminant sources and characterized the nature and extent of the contamination at this Site.
- Petroleum hydrocarbons and heavy metals (lead and cadmium) are the contaminants existing in the soil at concentration exceeding MTCA Method A cleanup levels, due to releases from four underground storage tanks (USTs), one aboveground storage tank (AST) and surface spills during operations at the former BMW facility. Groundwater occurs at a depth of more than 50 feet below the surface at this Site. The water sampling results indicated that the Site groundwater has not been impacted by the releases.
- Ecology agrees with the selected cleanup alternative developed in the focused feasibility study report as a preferred remedy. The cleanup alternative includes removal and off-Site disposal of all the USTs and the impacted soils from the Site. The excavated area will be within the proposed underground parking (Figure 1).
- Prior to making a determination for No Further Action at this Site, Ecology needs to have confirmative analytical results that show completion of the impacted soil cleanup at concentrations below the MTCA Method A cleanup level.

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This opinion does not represent a determination by Ecology that a 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 appropriate documentation to Ecology 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.**

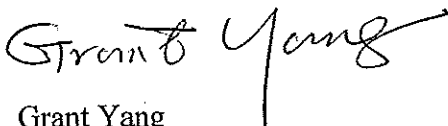
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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 a NFA under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7126, or gyan461@ecy.wa.gov.

Sincerely,



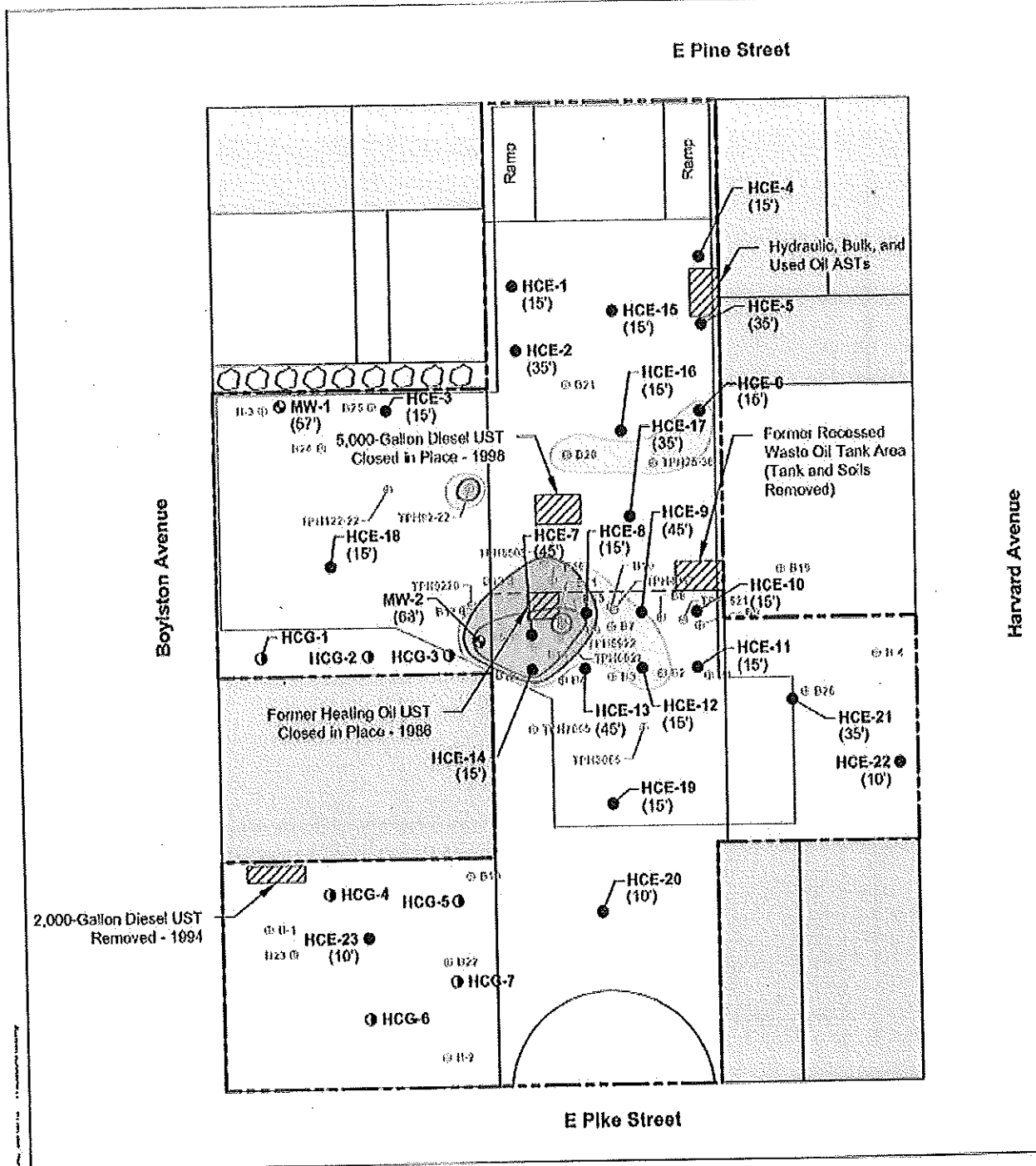
Grant Yang
Site Manager

NWRO Toxics Cleanup Program

Enclosure - Figure 1 Proposed Impacted Soil Excavation Area and Monitoring Well Locations

cc: Sonia Fernandez, VCP Coordinator, Ecology

Figure 1 Figure 1 Proposed Impacted Soil Excavation Area and Monitoring Well Locations
(Hart Crowser, Inc., 2013)



(Figure 1 – Continued: Legend and Explanations)

