



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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October 8, 2012

Mr. Robby Tonkin  
3300 Maple Valley Highway  
Renton, WA 98058

Re: **Opinion on Proposed Cleanup of the Following Site:**

- **Site Name:** Taco Time NW Restaurant
- **Site Address:** 1420 East Madison Street, Seattle, WA
- **Facility/Site No.:** 5460498
- **VCP Project No.:** NW 1621
- **Cleanup Site ID No.:** 811

Dear Mr. Tonkin:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the **Taco Time NW Restaurant** facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

**Issue Presented and Opinion**

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Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

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

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.



### Description of the Site

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

- 1,2-dichloroethane (EDC, also known as DCA) into the Ground Water.
- Diesel and oil-range total petroleum hydrocarbons into the Soil, and diesel range total petroleum hydrocarbons into the Ground Water.

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

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

### Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Environmental Associates, Inc., 2012. *Revised Work Plan – Proposed Independent Cleanup Plan, Taco Time Northwest, 1420 East Madison Street, Seattle, WA.* July 13.
2. TechSolve Environmental, Inc., 2011. *Taco Time Northwest Restaurant, 1420 East Madison Street, Seattle, WA, Facility/Site No.: 5460498; VCP Project No. NW 1621, Remedial Investigation Summary, Feasibility Study (FS), and Cleanup Action Plan.* August 4.
3. G-Logics, Inc., 2010. *Well Installation and Groundwater Sampling, Taco Time Property, 1420 East Madison Street, Seattle, WA.* September 15.
4. G-Logics, Inc., 2010. *Well Installation and Groundwater Sampling, Taco Time Property, 1420 East Madison Street, Seattle, WA.* April 16.
5. G-Logics, Inc., 2009. *Groundwater Monitoring – August 2009, Taco Time Property, 1420 East Madison Street, Seattle, WA 98122.* November 2.
6. G-Logics, Inc., 2009. *Subsurface Assessment, Taco Time Property, 1420 East Madison Street, Seattle, WA 98122.* March 2.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7235 or sending an email to: [nwro\\_public\\_requests@ecy.wa.gov](mailto:nwro_public_requests@ecy.wa.gov).

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:

**1. 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**.

**2. Establishment of cleanup standards.**

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

**i. Cleanup levels.**

Soil:

The Site is located in a mixed commercial and residential area. Soil cleanup levels suitable for unrestricted land uses are therefore applicable to this Site.

Soil cleanup level protective of terrestrial species are also potentially applicable. However, it was deemed not-applicable for this Site based on the exclusion relating to proximity of undeveloped land in accordance with WAC173-340-7491(1)(c)(i).

Because the cleanup at this Site is expected to be relatively straightforward and involved few hazardous substances, the MTCA Method A cleanup levels for unrestricted land uses were deemed applicable and appropriate. Note that the Method A cleanup levels were established based on the protection of groundwater and direct contact.

Groundwater:

The MTCA Method A cleanup levels have been applied to the contaminants as identified above. The cleanup levels were set for groundwater based on its use as a potential drinking water source.

Air:

Soil at the Property will be excavated to allow for construction of a 3-story, below ground, concrete parking structure. If all contaminated soil is excavated and removed, vapor intrusion is not expected to be an issue on the Property.

ii. **Points of Compliance**

Soil:

The soil cleanup levels were set based on protection of groundwater, the point of compliance is therefore in soil throughout the site.

Groundwater:

The standard point of compliance for groundwater is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

Air:

The standard point of compliance for air is in the ambient air throughout the Site.

3. **Selection of cleanup action.**

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

The selected cleanup actions include the excavation and off-site disposal of contaminated soil that will be removed to allow for construction of a three-story, below-ground parking garage. Removal of contaminated soil to levels below Method A cleanup levels needs to be documented using confirmation soil samples in the sidewalls and bottom of the excavation.

Ground water at the Site was most recently sampled in March 2012, which included a subset of 8 of the 15 existing monitoring wells. Since the most recent sampling event before March 2012 was August 2010, updated data is needed for all Site monitoring wells prior to the initiation of remedial actions. This data will serve as a baseline and to determine that ground water concentrations are below the Method A cleanup levels.

Ground water will be remediated at the time of Site redevelopment using a permanent dewatering system that will be installed below the parking garage as the floor of the garage will be constructed below the water table. Ecology requires empirical evidence that demonstrates contaminated ground water on the Site will be captured by the proposed dewatering system and that ground water contaminant concentrations are below Method A cleanup levels following redevelopment of the Site. Ecology requires that

empirical evidence be provided using discrete sampling locations rather accumulated ground water in a foundation sump system.

### Limitations of the Opinion

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**1. 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 70.105D.040(4).

**2. 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 70.105D.080 and WAC 173-340-545.

**3. 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 VCP.

**4. 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 70.105D.030(1)(i).

Mr. Robby Tonkin  
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Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (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 web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me by phone at (425) 649-7064 or e-mail at [hvic461@ecy.wa.gov](mailto:hvic461@ecy.wa.gov).

Sincerely,



Heather Vick  
Toxics Cleanup Program

Enclosure: A – Description and Diagrams of the Site

cc: Robert B. Roe, Environmental Associates, Inc.  
Sonia Fernandez, VCP Administrator, Ecology

**Enclosure A**  
**Description and Diagrams of the Site**

## Enclosure A

### Description and Diagrams of the Site

*This section provides Ecology's interpretation and understanding of Site conditions, and forms the basis for the opinions expressed in the body of the letter.*

**Site:** The Site consists of petroleum hydrocarbon releases to soil and groundwater, and EDC into ground water at the property located at 1420 East Madison Street, Seattle, WA (the Property). The Property is approximately 0.3 acre in size. The Property and the Site are shown on the attached Site Map.

**Area Description:** The Property is situated in the Capital Hill area which is directly east of downtown Seattle. The area is completely developed, and dominated by commercial business operations and residential condominiums. Most surfaces are paved or covered by buildings. The Property is bordered by an apartment building and alley to the north, 15th Avenue to the east, East Madison Street to the south, and a parking lot to the west.

**Property History and Current Use:** The Property was a Taco Time restaurant from 1965 through 2010. Prior to the construction of the restaurant, the Property was occupied by several commercial businesses, including a laundry, a rug cleaner, a dye works, sheet-metal shops, and several service/repair businesses. The restaurant building was demolished in 2010. The Property is currently vacant.

**Sources of Contamination:** The sources of the contamination detected at the Property have not been determined. However, potential contamination sources consist of releases of petroleum hydrocarbons and chlorinated solvents associated with historical operations at the Property.

**Physiographic Setting:** The Site and surrounding area is within the Capitol Hill upland area of Seattle. The Site is at an elevation of about 365 feet above sea level and slopes to the west.

**Surface/Storm Water System:** Surface water runoff in the area is collected in municipal storm drains. There are no creeks or surface water bodies in the immediate vicinity of the Site. The closest surface water bodies are Elliot Bay, located approximately 2,500 meters to the west, and Lake Washington, located approximately 2,750 meters to the east.

**Ecological Setting:** There is little terrestrial habitat in the area. The area is heavily developed, with most surfaces paved or covered by buildings.

**Geology:** Subsurface materials consist of approximately 5 to 10 feet of fill, overlying glacial till to depths ranging from about 20 to 30 feet below ground surface (bgs). A transitional zone of interbedded till/outwash underlies the glacial till to approximately 40 feet bgs. Underlying this transitional zone is outwash sand to the maximum depth explored, which was about 50 feet bgs.

**Ground Water:** Ground water occurs within the transitional zone of interbedded till/outwash



underlying the glacial till and generally under confined conditions. Ground water is encountered at depths of 12 to 15 feet bgs in Site monitoring wells. Ground water at the Site consistently flows to the west.

**Water Supply:** The City of Seattle provides drinking water for the area. The City's water supply is from the Cedar and Tolt River watersheds.

**Soil and Groundwater Contamination:** The Property can be divided into the following three primary source/contaminant type areas:

- **Area 1 - Northeast of the former restaurant building:** Elevated concentrations of diesel-range petroleum hydrocarbons occur in soil at depths of 10 to 15 feet bgs. No contaminants of concern were detected in groundwater in this area except that diesel was detected once in MW-10 slightly above the MTCA Method A cleanup level. The source of the contamination has not been determined. It is likely from leaks and spills associated with historical on-site activities.
- **Area 2 - Northwest corner of the Property:** Elevated concentrations of diesel and oil range petroleum occur in soil within the upper 4 feet of the subsurface. The source of the contamination has not been determined. It is likely from leaks and spills associated with historical on-site activities. Ground water is not likely being impacted.
- **Area 3 - South-central area of the Property:** Ground water on the Site is contaminated with EDC. During the most recent (August 2012) ground water sampling event, 8 of the 15 existing monitoring wells were sampled. EDC concentrations ranged from 7 to 9.9 µg/L. However, EDC was not detected in any soil samples collected to a maximum depth of 50 feet bgs. No other chlorinated solvents were detected in soil, groundwater or soil-vapor samples collected in this area. It is likely that the presence of EDC in ground water is associated with historical operations on this portion of the Property. EDC contaminated ground water has not migrated off-Property to the west.

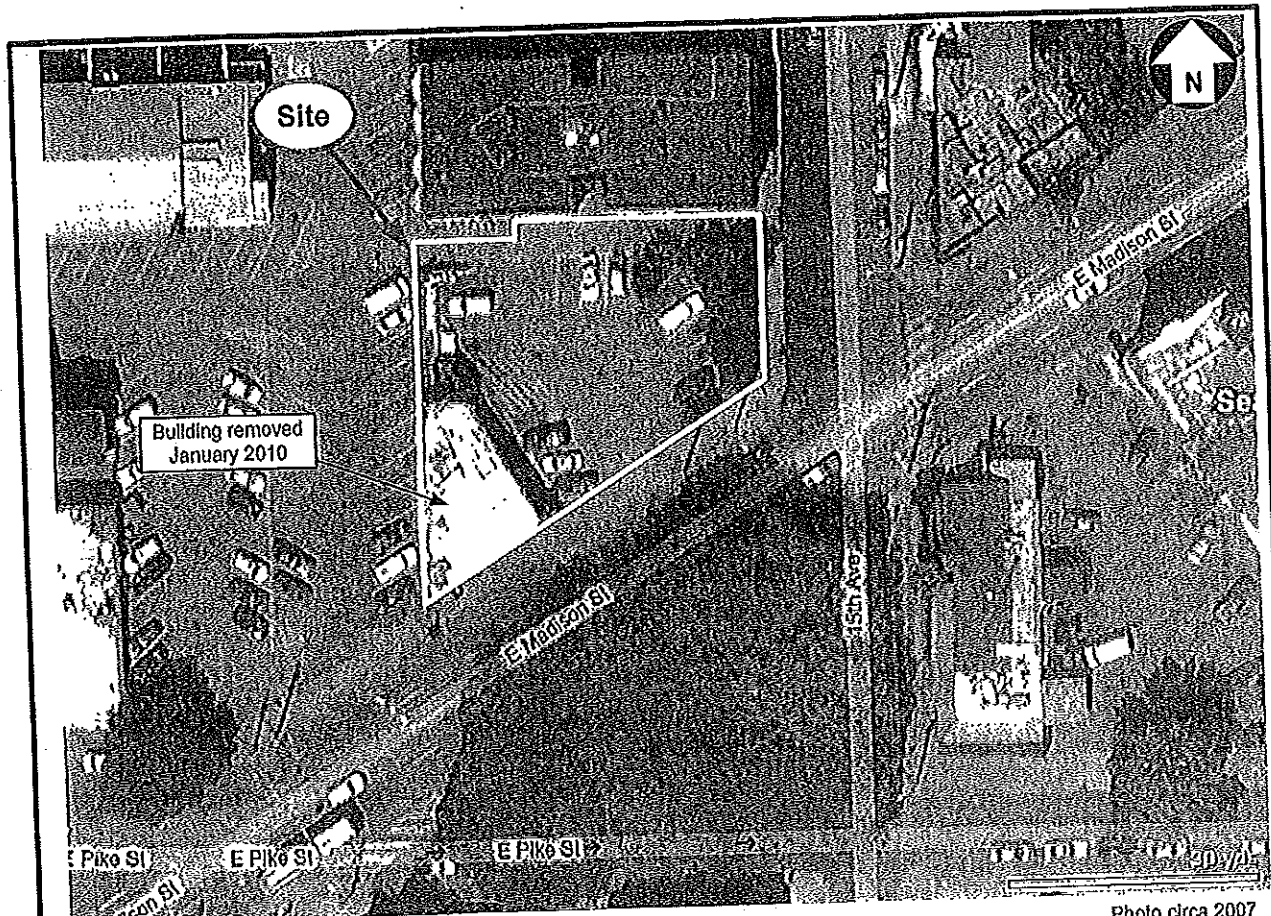
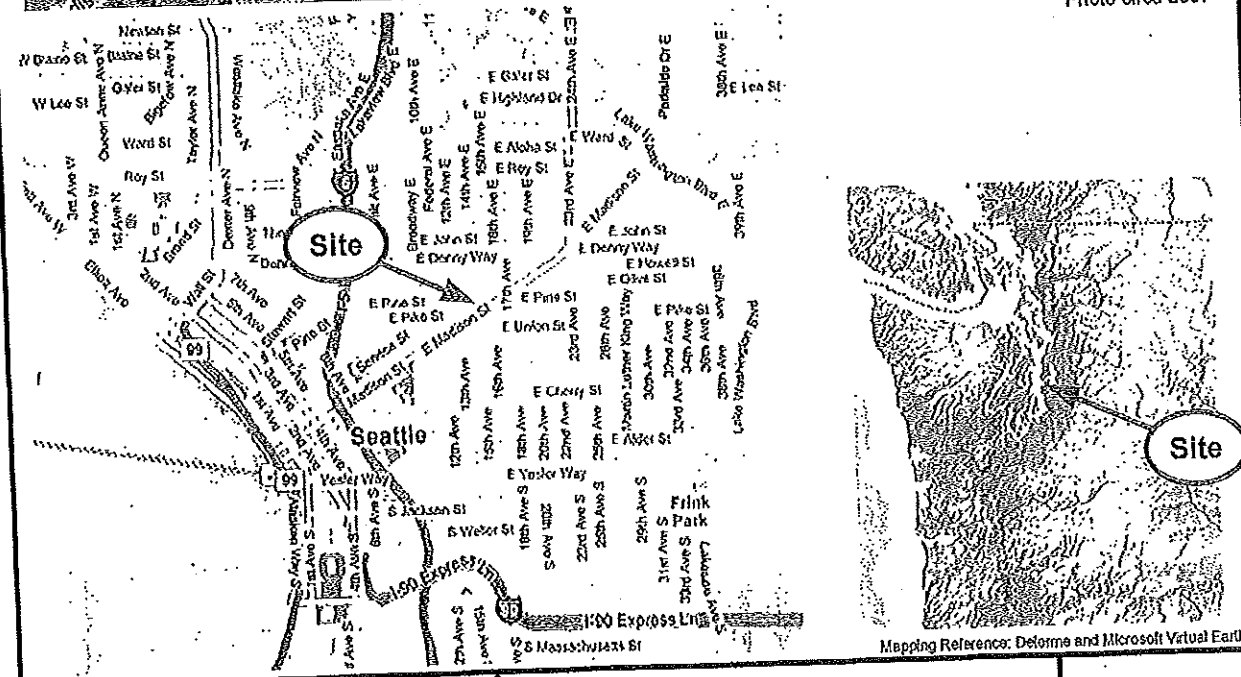


Photo circa 2007



**g logics**

**Site Location Maps**  
**Taco Time**  
**1420 East Madison Street**  
**Seattle, Washington**

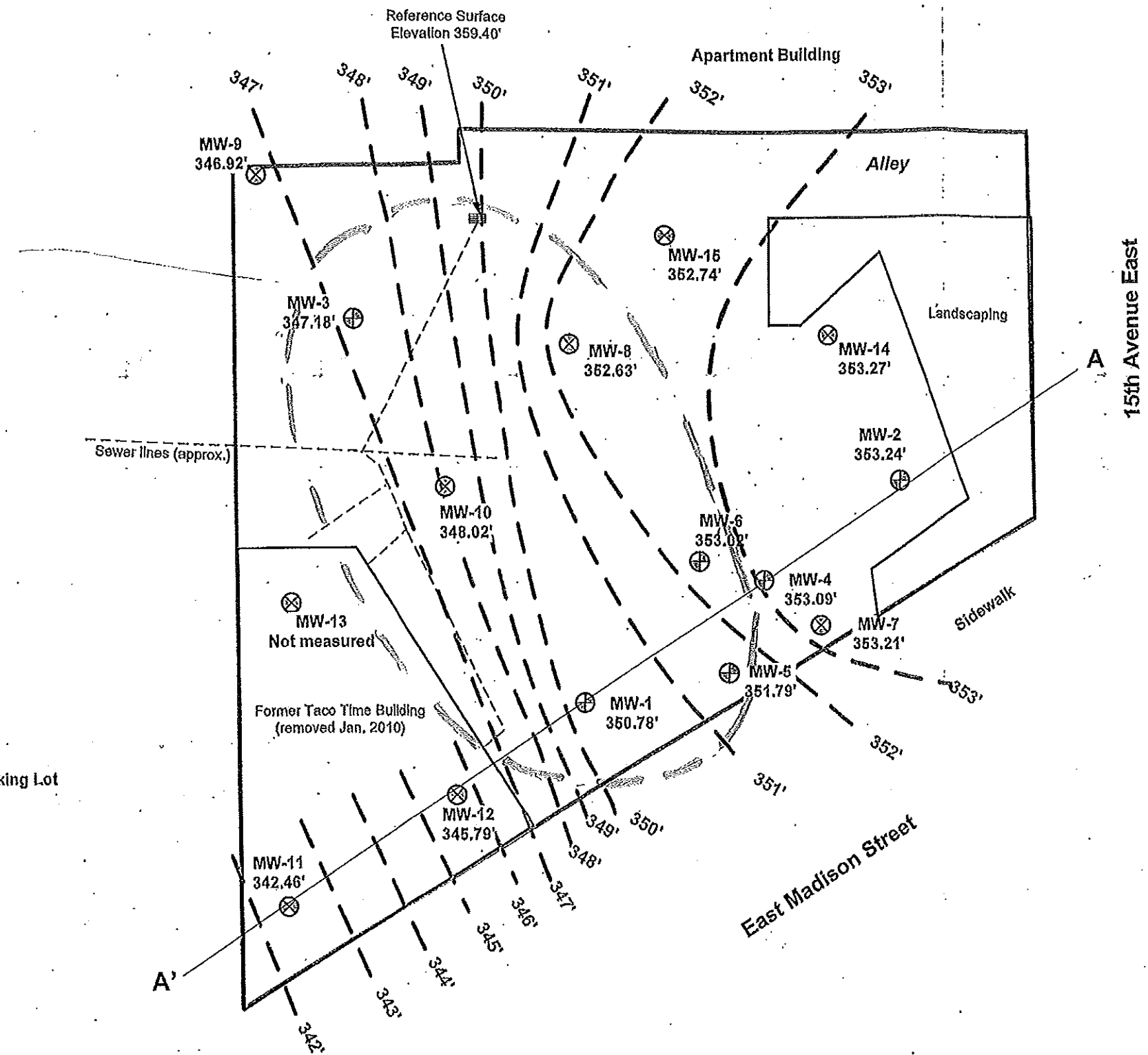
**Figure**  
**1**

Note: This figure contains information in color. Black & white photocopies may not be suitable for review.



The Approximate Extent of the "Site"

Parking Lot



**Legend**

- Approximate Property Line
- ⊕ Monitoring Well (installed 2006)
- ⊗ Monitoring Well (installed 2009)
- ⊗ Monitoring Well (installed 2010)
- MW-1 Monitoring Well Identification 77.97' (August 20, 2010) Groundwater Elevation in Feet
- - - 351' Approximately GW elevation contour

**Notes**

1. The contours represent an interpretation of available data, for the indicated date. Site groundwater contours may change with additional measurements and/or data points, weather changes, construction activities, and/or other influences.
2. Mapping Reference: Geotech Consultants, Noll Environmental, and GeoScience Management Mapping, G-Logics' Site Visit Measurements, Google Aerial Photography, Taco Time Survey

Approximate Drawing Scale: 1" = 20'  
0 ft. 12 ft. 20 ft. 40 ft.



**Groundwater Contours – 08/20/2010**  
Taco Time  
1420 East Madison Street  
Seattle, Washington

**Figure**  
**2**

Project File: 07-0609-F-F2.vsd

