



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

**MEMORANDUM**

**DATE:** October 25, 2006

**TO:** Kathryn L. Gerla, Attorney at Law  
Foster Pepper, Douglas O. Howe, Touchstone Corporation  
Jon Sondergaard, Scott Kindred, Associated Earth Sciences, Inc.

**THROUGH:** Jim Schwartz, Assistant Attorney General, Ecology Division  
Michael Dunning, Assistant Attorney General, Ecology Division

**FROM:** Ching-Pi Wang, NWRO Toxics Cleanup Program  
Maura S. O'Brien, NWRO Toxics Cleanup Program

**SUBJECT:** **Ecology Clarifications after October 18, 2006, Conference Call; Ecology Approval Letter with Revisions for PPCD and CAP dated October 4, 2006**

Foster Pepper requested a conference call with Ecology to discuss and clarify Ecology's approval letter, with revisions, dated October 4, 2006. This October 4 letter indicated that Ecology accepted the application for the Prospective Purchaser Consent Decree (PPCD) Application with Draft Cleanup Action Plan if certain conditions and revisions were met. The proposed PPCD is for the North Yard portion, approximately one-half of the King County Department of Transportation, Metro Transit Division/formerly Chevron Bulk Terminal #100-1327 site, located at 1602 N Northlake Place Seattle, Washington.

The conference call occurred on October 18, 2006, at 2 p.m. and included: Kathy Gerla, Jon Sondergaard, and Scott Kindred for Touchstone; Mike Dunning, Ching-Pi Wang and Maura O'Brien for Ecology. The purpose of the conference call was to clarify some of the conditions set forth in the October 4, 2006, letter. This memo summarizes some of these clarifications and includes additional clarifications from Ecology.

1. **Structure.** The draft Cleanup Action Plan (CAP) shall be modified to meet the conditions of the October 4 letter and the expectations set forth hereafter. Touchstone, Metro, and Chevron will determine among themselves which of those parties will complete the action items identified in the final approved CAP. Ecology will only enter into the PPCD with Touchstone if Metro and Chevron agree to accept responsibility for any CAP items not assumed by Touchstone.

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Metro and Chevron must execute an amendment to the existing Consent Decree between Ecology, Metro, and Chevron for this site assuming any CAP items not assumed by Touchstone. The amendment shall incorporate the CAP as an attachment and shall specifically identify Metro and Chevron's responsibilities in the CAP. Ecology will enter into a Prospective Purchaser Consent Decree with Touchstone. The PPCD will specifically identify Touchstone's responsibilities in the CAP. Touchstone will be granted immunity as authorized by law, upon completion of all Touchstones responsibilities under the CAP.

2. Soil. Soil shall be remediated to Method A, industrial cleanup levels (WAC 173-340-745(3)) or Method A, unrestricted cleanup levels (WAC 173-340-740) for the portions of the North Yard identified in the draft CAP and the soil near MW 9 and MW 10 (including contaminated soil under North Northlake Place street). Soil below 15 feet above these cleanup levels will also be remediated to the bottom of the smear zone.

3. Groundwater. The point of compliance for groundwater coming from the North Yard remains as specified in the existing consent decree-section 5.5: surface water cleanup level specified under WAC 173-340-720(8)(c) at the southern boundary of the North Yard. The new CAP, however, shall require wells (in addition to MW 19, MW 20, and MW 21) along the southern boundary of the North Yard for performance and compliance monitoring during and after excavation and development of the North Yard. Monitoring shall continue for four (4) quarters at each new well. If the Cleanup level for groundwater is not met at the southern boundary of the North Yard for a period exceeding four (4) quarters, the CAP shall require remediation of the groundwater to meet the cleanup level. Monitored natural attenuation may be used for remediation with approval by Ecology.

4. ARARs. The PPCD and amendment to the existing consent decree shall satisfy the requirements of WAC 173-340-710(9).

With this clarification, Ecology hopes to have a productive meeting with Touchstone, Metro and Chevron on November 1, 2006, at 2 p.m. at the office of Foster Pepper, located at 1111 Third Avenue in Seattle. The parties should come prepared to discuss Ecology's conditions, the responsibilities assumed by each, and further items necessary to move this project forth in a timely manner.

cc: Judy Riley, KCDT Metro Transit Division  
Sheldon Teel, KCDT Metro Transit Division  
Scott Johnson, KC Prosecutor's Office  
Brett Hunter, Chevron Products Company  
Jon Robbins, Chevron Law Department