



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 25, 2014

MR. NEIL SCHIMMEL  
SUNSET VIEW APRTMENTS, LLC.  
11620 WILSHIRE BLVD, SUITE 500  
LOS ANGELES, CA 90025

**Re: Further Action at the following Site:**

- **Site Name:** Sunset View Apartments
- **Site Address:** 2101 SW Sunset Blvd, Renton, WA 98055
- **Facility/Site No.:** 9625997
- **Cleanup Site ID No.:** 424
- **VCP Project No.:** NW2854

Dear Mr. Schimmel:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Sunset View Apartments 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**

Is further remedial action necessary to clean up contamination at the Site?

**YES. Ecology has determined that further remedial action is 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:

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- Total Petroleum Hydrocarbons - Diesel and Heating Oil Range Organics in Soil.

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

### **Basis for the Opinion**

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

1. DBM Investigative Engineers, May 7, 2014, Oil Tank Removal at Sunset View Apartments.

The document is 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\\_request@ecy.wa.gov](mailto:nwro_public_request@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**

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Ecology has concluded that **further remedial action** is 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 not sufficient to establish cleanup standards and select a cleanup action.

Contamination in soil exceeding MTCA Method A cleanup levels was indentified at and adjacent to the excavation of the former underground storage tank (UST), where the contamination is not fully characterized.

Ground water at the Site could be impacted by the exceeded contamination in soil, that is likely a contamination source. Therefore, quality of the ground water needs to be assessed.

2. **Establishment of cleanup standards.**

Ecology has determined the cleanup levels and points of compliance you established for the Site do not meet the substantive requirements of MTCA.

**a. Cleanup levels.**

Soil

A terrestrial ecological evaluation (TEE) has not been completed for the Site. The TEE evaluation needs to be performed for the Site to determine if cleanup levels protective of terrestrial species are required.

The Site does not meet the MTCA definition of an industrial property. Therefore, soil cleanup levels suitable for unrestricted land use are determined for the Site. For unrestricted land use, human direct contact and soil-to-ground water pathway, Method A cleanup levels defined in MTCA shall be utilized.

Ground Water

The Site investigation indicated that ground water could have been contaminated by the releases. Therefore, it will also be appropriate to utilize MTCA Method A cleanup levels defined in MTCA for unrestricted land use at this Site, if a supplemental site assessment reveals the ground water is impacted.

**b. Points of compliance.**

Soil

The point of compliance for contamination soil is based on the protection of Ground water and it is applied for Site wide throughout the soil profile, which will extend below the water table and/or beyond the facility's boundary.

Ground Water

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

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA. In 2002, a 1,000-gallon UST was removed and soil sampling results indicated exceedance over the MTCA method A cleanup level at the excavation. However, the exceeded soil remains on-site and the soil contamination was not characterized at this Site. Contamination status of the ground water remains non-known since there was no ground water samples were collocated for analysis.

The Site assessment conducted in 2002 did not fully characterize the contamination at this Site brief so that it was uncompleted. Therefore, a supplemental Site assessment is necessary to fill the data gap. Based on the assessment, a cleanup alternative enables to be selected, which will result in a NFA determination.

**4. Cleanup.**

Ecology has determined the remedial efforts you performed do not meet the defined cleanup standards at the Site. At completion of the UST closure, contaminated soil remained on the Site.

In addition, ground water would be required to be analyzed and cleaned up to MTCA cleanup levels if further assessment indicates occurrence of the exceedance.

**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 performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

**3. 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).

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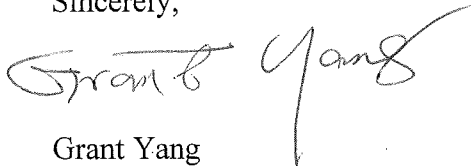
### **Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. 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) 649-7126 or e-mail at [gyan461@ecy.wa.gov](mailto:gyan461@ecy.wa.gov).

Sincerely,

A handwritten signature in black ink that reads "Grant Yang". The signature is written in a cursive, flowing style.

Grant Yang  
NWRO/Toxics Cleanup Program

cc: Bryan Campbell, AEI Consultants  
Sonia Fernandez, VCP Coordinator, Ecology