



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 7, 2014

Mr. Kerry L. Nicholson
Legacy Partners Residential, LLC
7525 SE 24th Street, Suite 180
Mercer Island, WA 98040

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

- **Site Name:** Mercer Cleaning Village
- **Property Address:** 2615 76th Avenue SE, Mercer Island, WA 98040
- **Cleanup Site ID:** 12341
- **Facility/Site No.:** 6790
- **VCP Project No.:** NW2849

Dear Mr. Nicholson:

Thank you for submitting documents regarding your proposed remedial action for the Mercer Cleaning Village (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 submitted documents/reports 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:

- Tetrachloroethene (PCE) into the Soil
- Tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride into the Ground Water

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.

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



1. Farallon Consulting, LLC, *Response to Ecology Opinion Letter Dated July 16, 2014, and Request for Opinion*, dated July 28, 2014.
2. Farallon Consulting, LLC, *Addendum to Environmental Media Management Plan*, dated May 28, 2014.
3. Farallon Consulting, LLC, *Environmental Media Management Plan*, dated March 28, 2014.
4. Brown and Caldwell, *Site Investigation*, dated January 9, 2014.
5. Arcadis, *Summary of Limited Phase II Subsurface Investigation Activities, 2615 76th Avenue Southeast, Mercer Island, WA 98040*, dated December 2, 2013.
6. Cardno ATC, Inc. *Phase I Environmental Site Assessment Report of Legacy 2601/2615 76th Avenue Southeast, Mercer Island, WA*, dated October 7, 2013.
7. Arcadis, *Phase I Environmental Site Assessment Report 2615 76th Avenue Southeast, Mercer Island, WA 98040*, dated September 13, 2013.
8. Kleinfelder, *Subsurface Investigation and Geotechnical Engineering Report 2615 76th Avenue Southeast, Mercer Island, WA*, dated September 5, 2012.
9. Aspect Consulting, *Phase I Environmental Site Assessment Report, Hudesman Building, 2615 76th Avenue Southeast, Mercer Island, WA*, dated October 13, 2011.

The reports 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 e-mail to nwro_public_request@ecy.wa.gov.

The Site is defined by the extent of contamination caused by the following releases:

- Tetrachloroethene (PCE) into the Soil
- Tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride into the Ground Water

The Property includes the following tax parcel in King County, which was affected by the Site and addressed by your proposed remedial actions:

- 5315100505

The Site is located in a mixed commercial and residential area. A loose to medium dense silty sand with interbeds of silt and sands were encountered at the Site to depths of approximately 15 to 30 feet below ground surface (bgs) underlain by a dense to very dense silt to a total explored depth of 55 feet bgs. A shallow ground water zone is encountered at depths ranging from 10 to 15 feet bgs within the silty sand perched on the underlying dense silt. Ground water flows to the northeast with a hydraulic gradient

ranging from 0.021 to 0.038 foot per foot. Numerous Phase I investigations conducted for the Property recognized potential chlorinated solvent sources to the south and east of the Property. Subsequent subsurface investigations confirmed PCE and/or its degradation compounds exceed MTCA Method A cleanup levels in ground water to the south, east and beneath Property. The most recent subsurface investigation identified PCE concentrations in soil exceeding MTCA Method A cleanup levels at locations MW-5 and MW-6, at the northern boundary of the Former Mercer Cleaning Village and east of the Property at location MW-7. Former Mercer Cleaning Village is situated upgradient of the Property and therefore the suspected source of ground water contamination at the Property.

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 releases at the Site, Ecology has determined:

Farallon Consulting (Farallon) on behalf of Legacy Partners Residential, L.L.C., submitted a letter to Ecology on July 28 for review (*Response to Ecology Opinion Letter Dated July 16, 2014, and Request for an Opinion*). Ecology's response to this request is provided below.

***Farallon:** Unless conditions change at the 2615 Property, Farallon understands that Ecology is not expecting any additional interim cleanup actions for the 2615 Property other than the planned mitigation interim actions acknowledged in the Opinion Letter (Analyses of Cleanup - Item 3. Selection of cleanup for Property p.5 - highlighted in yellow) prior to the cleanup of the source on the up-gradient Mercer Cleaning Village property at 7433 1/2 Southeast 27th Street.*

Ecology: Ecology's opinion letter of July 16, 2014, for the Property noted that the proposed vapor mitigation interim action would likely be protective of human health and the environment for the vapor pathway until the up-gradient groundwater source is addressed. That determination is based on current conditions and assumes that the up-gradient groundwater source, which is continuing to migrate onto the Property, will be addressed in a timely manner.

However, additional further action would be necessary in order to fully clean up the Property and/or the Site in compliance with MTCA. For example, further action would be required if a No Further Action (NFA) opinion is requested based on current Site/Property status, or if Property or Site conditions change in the future. Additionally, if Ecology determines that an imminent threat to human health and the environment exists or that the Site could not be addressed adequately through the Voluntary Cleanup Program, then Ecology could pursue cleanup of the Site through its formal oversight process under an order or consent decree. At this time, Ecology is unaware of an imminent, unmitigated threat to human health and the environment at this Site.

Ecology will need to review the following information in order to make a determination on the mitigation interim actions for the vapor pathway proposed through the Voluntary Cleanup Program: vapor assessment documentation; as-built drawings for the proposed sub slab depressurization system, enhanced vapor barrier system and footing drain ground water capture/treatment system; and compliance monitoring plan for the sub-slab depressurization system, ground water monitoring wells and footing drain system.

***Farallon:** An Interim Action Summary Report will be prepared post construction of the new building for submittal to Ecology and will include: a summary of the excavation of Contained-In soil; as-built*

drawings for the sub slab depressurization system, enhanced vapor barrier system and footing drain ground water capture/treatment system; and a compliance monitoring plan for the sub-slab depressurization system, groundwater monitoring wells, and footing drain system as described below.

Ecology: Ecology recommends submitting as-built drawings for the sub slab depressurization system, enhanced vapor barrier system and footing drain ground water capture/treatment system, and a compliance monitoring plan for the sub-slab depressurization system, ground water monitoring wells and footing drain system prior to construction to allow for any clarifications or modifications before the structures are built.

Farallon: *A compliance monitoring plan will be implemented post construction of the new building to verify that a negative vacuum is applied in the subsurface beneath the new building structure in the area where the PCE groundwater plume exceeds the MTC Method A cleanup level of 5 micrograms per liter on the 2615 Property using the planned sub-slab depressurization system. Farallon understands that indoor air quality monitoring will not be required.*

Ecology: Indoor air quality monitoring is required to confirm that the mitigation actions to prevent exposure of PCE to indoor air are effective. Baseline air quality needs to be established once the vapor system is in and functioning followed by confirmation vapor monitoring. The vapor monitoring plan should establish the monitoring frequency. Ecology does not have sufficient details regarding the proposed mitigation system to comment further at this time on its potential effectiveness, and needs to review the following documents before issuing an opinion on the system: vapor assessment documentation, vapor mitigation system construction plans and a compliance monitoring plan.

Farallon: *The monitoring well network on the 2615 Property will be re-established with new wells during construction of the lower level of the new parking structure in order to provide for long-term groundwater compliance monitoring post-construction.*

Ecology: Ecology agrees re-installation of existing monitoring wells during construction is necessary for long-term groundwater compliance monitoring post-construction. A compliance monitoring plan, including proposed locations for well re-installation, should be submitted for Ecology's review prior to construction.

Ecology recognizes that until the source is addressed, contaminated ground water will continue to migrate beneath the Property.

Farallon: *A compliance monitoring plan will be implemented post construction to monitor and treat (if necessary) potentially contaminated groundwater captured by the new building footing drain system in accordance with local and state regulations.*

Ecology: Ecology recommends submitting a compliance monitoring plan for ground water captured in the building footing drain system for review.

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

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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 additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7097 or by email at desc461@ccy.wa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Louise Bandy for Diane Escobedo". The signature is fluid and cursive.

Diane Escobedo
Site Manager
Toxics Cleanup Program

cc: Riley Conkin, Farallon Consulting
Allison Keeler, MI 2615 LLC
Sonia Fernandez, VCP Coordinator, Ecology