



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 11, 2015

Mr. Richard J. Parks
White/Peterman Properties Inc.
1000 East 80th Place, Suite 700N
Merrillville, IN 46410

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

- **Site Name:** Maaco Auto Painting Bodywork 9th Ave
- **Address:** 739 9th Avenue North, Seattle, WA 98109
- **Facility/Site No.:** 2224749
- **VCP No.:** NW2953
- **Cleanup Site ID:** 12571

Dear Mr. Parks:

Thank you for submitting documents regarding your proposed remedial action for the Maaco Auto Painting Bodywork 9th Ave (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:

- Gasoline-, diesel- and oil-range petroleum hydrocarbons (TPH-g, TPH-d and TPH-o) into the Soil.
- TPH-g into the Ground Water.
- Benzene, toluene, ethylbenzene and xylenes (BTEX) into the Soil.
- Benzene, ethylbenzene and xylenes into the Ground Water.
- Carcinogenic polyaromatic hydrocarbons (cPAHs) into the Soil.



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- Cadmium, lead and mercury into the Soil.
- Naphthalene and 1-methylnaphthalene into the Soil.
- Arsenic into the Ground Water.
- Cis-1,2 dichloroethene, 1,2-dichloroethane 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 action(s):

1. GeoEngineers, *Conceptual Cleanup Action and Request for NFA-Likely Opinion Letter*, dated February 17, 2015.
2. GeoEngineers, *Phase II Environmental Site Assessment*, dated November 13, 2014.
3. GeoEngineers, *Phase I Environmental Site Assessment*, dated November 13, 2014.

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 by sending an e-mail to nwro_public_request@ecy.wa.gov.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

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 release(s) at the Site, Ecology has determined:**

- Additional data is needed to define the interaction between soil and ground water contamination related to source areas on the Property and off-Property sources of contamination. Unless it can be demonstrated that there is separation between the on Property contamination and contamination migrating onto the Property from off-Property sources, the resulting contamination is viewed by Ecology as one Site under MTCA. Specifically, additional ground water data is needed at the upgradient Property boundary, in the Property source areas, and in between to demonstrate where upgradient sources interact with on-Property sources. In addition, engineered controls are necessary as part of any cleanup of the Property to prevent recontamination of the Property from off-Property sources. This opinion letter focuses on the data gaps identified for the Site as it relates to releases that occurred at this Property.
- The vertical extent of soil contamination was not defined at the following locations:
 - Soil samples were not collected to define the vertical extent of TPH-g at boring locations DP-2 and DP-7.
 - Soil samples were not collected to define the vertical extent of benzene at boring locations DP-7 and DP-11.
 - Soil samples were not collected to define the vertical extent of cPAHs at boring locations DP-7 and DP-10. In samples DP-11 and DP-12, cPAHs were not detected but the reporting limit for these samples exceeded the MTCA Method A cleanup level for benzo-a-pyrene.
 - Soil samples were not collected to define the vertical extent of lead at boring locations DP-12 and MW-2.
 - Soil samples were not collected to define the vertical extent of naphthalene at boring location B-3.
- The lateral extent of soil contamination was not defined at the following locations:
 - TPH-g and benzene contamination in soil has not been defined in the north and northeastern portions of the Site beyond DP-8, DP-9 and DP-10 or to the west of DP-8, DP-2 and DP-11. Although TPH-g and benzene were not detected in soil at location DP-10 at 10 feet below the ground surface (bgs) contamination above MTCA Method A cleanup levels was confirmed at five feet bgs and therefore it is unknown how far north or east the shallow contamination extends. TPH-g and benzene concentrations detected in soil at locations DP-2 and DP-11 suggest an off-Property source. Neither contaminant was detected at 2.5 feet bgs but exceeded the MTCA Method A cleanup level at 10 and 15 feet bgs respectively.

The minimum depth of benzene contamination is between 2.5 and 10 feet bgs and as mentioned previously, the vertical extent is unknown in some locations.

- TPH-d and TPH-o contamination in soil has not been defined in the vicinity of the oil/water separator, west of DP-11 and likely extends off-Property. Based on detections of TPH-d at DP-7 (468 and 844 mg/kg at 7.5 and 13 feet bgs respectively) below the MTCA Method A cleanup level, a release may have occurred in the former UST area. However, based on the proposed depth of 15 feet bgs for the remedial excavation, any shallow TPH-d contamination not yet identified and delineated in association with the former UST area, would likely be removed.
- Lead contamination in soil has not been defined in the western, northwestern and southwestern portions of the Property and may extend off-Property.
- The extent of mercury contamination in soil has not been defined in the north and west of the DP-8 and DP-9 and may extend off-Property.
- The extent of naphthalene contamination in soil has not been defined north and west of DP-2 and DP-8 and may extend off-Property.
- Based on the above-mentioned data gaps, the remedial investigation for soil contamination at the Site and Property is not complete. Although the data collected to date is useful for guiding further characterization, additional soil sampling and analysis are needed to define the extent of contamination prior to evaluating cleanup options. Therefore, Ecology cannot provide an opinion regarding the appropriateness of the proposed remedial action for addressing soil contamination associated with the Property at this time. At various locations (as detailed above) soil contamination is more than double the MTCA Method A cleanup levels at 13 feet or greater and/or the vertical and lateral extent has not been delineated.
- Any future samples collected at the Property should be analyzed according to Table 830-1 of the MTCA regulation and Table 7.2, page 95, in the *Guidance of the Remediation of Petroleum Contaminated Sites*, Ecology Publication No. 10-09-057, September 2011. The additional parameters listed on Table 830-1 of the MTCA regulation should be analyzed in the samples with the greatest TPH concentrations.
- The extent of ground water impacts has not been characterized at the Site. Monitoring wells must be placed in and immediately downgradient of each identified source area on the Property. The predominant ground water flow direction and gradient, has not been established for the Site, and must be to determine optimum well locations. Based on data submitted to date, it appears that monitoring wells MW-1 through MW-3 are not

correctly positioned to assess conditions related to releases that have occurred at the Property. Additional ground water monitoring wells are needed at the Site to determine the ground water flow direction and to fully characterize the nature and extent of contamination at the Property.

In addition, during the September 2014 sampling event nearby dewatering activities lowered the water table to depths of between 21 to 24 feet bgs. Following the completion of a nearby construction project where the dewatering had been occurring, the depth to ground water measured between approximately 13 and 18 feet bgs on an unspecified date. Ground water monitoring wells should be placed and screened appropriately to determine if light non-aqueous phase liquid is present and migrating onto the Property from the adjacent Roy Street Shops and to assess the dissolved plume originating on the Property and from off-Property sources. Therefore, well screens in and downgradient of the likely on-Property source areas should straddle the water table, and ground water samples collected within a few feet of the water table.

- Ecology agrees that based on the soil vapor data collected to date; further evaluation of the potential vapor intrusion threat is needed. At this time, additional Site characterization is needed prior to selecting a cleanup action for the Property. Ecology recommends incorporating further vapor assessment as part of the development of the cleanup action plan.
- A Terrestrial Ecological Evaluation (TEE) may be required unless it is determined the Site qualifies for an exclusion. The TEE decision-making process must be documented as per WAC 173-340-7490. A TEE process interactive user's guide can be found at: <http://www.ecy.wa.gov/programs/tcp/policies/terrestrial/TEEHome.htm>

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.

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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 e-mail at desc461@ecy.wa.gov.

Sincerely,



Diane Escobedo
Site Manager
Toxics Cleanup Program

Enclosure: A – Site description

cc: Sonia Fernandez, VCP Coordinator, Ecology

Site Description

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

Site: The Site is defined by the release of gasoline-, diesel- and oil-range petroleum hydrocarbons (TPH-g, TPH-d and TPH-o), benzene, toluene, ethylbenzene, xylenes (BTEX), carcinogenic polyaromatic hydrocarbons (cPAHs), cadmium, lead, mercury and naphthalene to soil and TPH-g, benzene, ethylbenzene, xylenes, arsenic, cis-1,2-dichloroethene, 1,2-dichloroethane and vinyl chloride into ground water associated with the operation of automobile body repair and servicing, painting at the Property and potential off-Property sources to the west and southwest associated with an industrial laundry facility and gasoline service station. The Site is located at 739 9th Avenue North in Seattle, WA (Property).

Area and Property Description: The Property corresponds to King County parcel number 4088803485 which is 0.52 acres in size. The Property is occupied by two one-story buildings. The Property is bounded by 9th Avenue North to the east, a public right-of-way alley to the west, to the north by a commercial building used by an architectural firm and a building occupied by motorcycle dealership to the south. Land use surrounding the Site is mixed use (commercial businesses, industrial, hotels and residential) and is currently undergoing extensive redevelopment. Past uses of adjacent parcels may impact the Property. A former automotive repair facility, Bayside Volvo, Facility Site Identification No. (FSID):45221945, was located to the north. Three USTs were closed in place and petroleum hydrocarbons were released to soil and ground water. The south adjacent parcel was historically as a truck repair facility (Frank Kenney Toyota, FSID 43288835. A City of Seattle and Puget Sound Power and Light maintenance facility and gasoline service station (Roy Street Shops 89, FSID 95811428) with confirmed petroleum hydrocarbon and benzene contamination in soil and ground water is located on the adjacent parcel to the west. A large chlorinated solvent plume associated with a former industrial laundry and dry cleaning facility (American Linen Supply Company Dexter Avenue which is VCP project number NW2652) is located southwest of the Property.

Property History and Current Use: The Property was first developed in the 1920s and has been used for truck body assembly and welding (1940 to 1980), automobile body repair and servicing, steel tank manufacturing and welding (1948, north building) and vehicle painting. The north building was built in 1924 and the south building was built in 1955. An auto body repair and painting facility has operated at the Property from approximately 1980 to present. Proposed redevelopment will include an eight-story hotel building with one floor of underground parking.

Contaminant Source and History: Specifics regarding the possible use and storage of petroleum or hazardous substances on the Property and waste disposal practices associated with the historical businesses (truck body assembly and welding, automobile repair and servicing and/or vehicle or truck painting) that occupied the Property have not been identified. Significant quantities of paint and automotive fluids (oils, coatings) are currently and were likely historically used and stored at the Property. Vehicle fueling is not known to have occurred on the Property. A 500-gallon heating oil UST was formerly in use in the northwest corner of the Property storage yard. The UST was

closed in place in 1999 but soil and ground water sampling was not conducted at the time. Fill material containing fragments of glass, brick and other debris was identified in shallow soil and may be a source of the metals, petroleum and PAH contamination identified in soil. A floor drain is located in the work area and may be a potential pathway for contamination to enter soil and ground water. Paints and automotive fluids (paints, oils, coatings) are currently and likely were historically used and stored at the Property. Spills may have occurred that were then released to the subsurface via storm drains in the north building floor and in the northwest corner of the paved storage/work yard. Paint spray booths were installed in 1993 in the southern building and 1996 in the northern building. In 1996, the existing paint mix and storage room was added at the northwest corner of the south existing building.

Physiographic Setting: The Property is located in the Puget Sound Lowland. The Property is located approximately 30 feet above mean sea level.

Surface/Storm Water System: Storm drains are located in the north building floor and in the northwest corner of the paved storage/work yard. Precipitation collected on the paved storage/work yard flows into the catch basin located near the northwest corner of the yard and then enters the combined sewer stormwater system. The stormwater drainage pipes for the building connect to combined sewer and drainage subsurface piping that passes through the oil/water separator before connecting to the city pipe line in the alley. Lake Union is located approximately 0.1 miles to the northeast.

Ecological Setting: The Property is located in an urban setting; land surfaces are primarily covered by asphalt, buildings and landscaping. Lake Union Park is located approximately 450 feet east of the Property. The park is 12-acres and consists of landscaped lawns, paved footpaths and shoreline.

Geology: The fill material encountered from 12.5 to 19.5 feet below ground surface (bgs) consists of sand with variable silt and gravel and silt with variable gravel and cobble content with debris layers up to 10 feet thick containing decaying wood, plastic, glass and metal. Silt and clay with occasional sand interbeds and variable gravel or sand with variable silt and gravel were observed below the fill to depths of 35.5 to 55 feet bgs. Glacial till-like deposits were encountered at a depth of 56 feet in boring MW-1.

Ground Water: Depth to ground water measured during nearby redevelopment dewatering was between 21 and 24 feet bgs. Depth to ground water post-redevelopment dewatering ranged from 13 to 18 feet bgs. Ground water flows east-northeast.

Water Supply: Drinking water on the Property is provided by Seattle Public Utilities. According to Ecology's online well log database there are no drinking water wells located within ¼ mile of the Property.

Release and Extent of Soil and Ground Water Contamination: TPH-g, TPH-d and TPH-o, BTEX, cPAHs, cadmium, lead, mercury and naphthalene- contaminated soil has been identified at concentrations exceeding MTCA Method A cleanup levels on the western half of the Property to a maximum depth of 35 feet bgs. The vertical and lateral extent of contamination in soil has not been fully delineated.

Three ground water monitoring wells were installed, two in the southwest corner of the Property (MW-2 and MW-3) and one in the northeast corner (MW-1) of the Property. Benzene, vinyl chloride and arsenic were detected at concentrations exceeding MTCA Method A cleanup levels in southwest corner of the Property. The vertical and lateral extent of contamination in ground water has not been fully delineated.

The Property is located downgradient from a large chlorinated solvent ground water plume related to an industrial laundry facility, American Linen Supply Company, appears to extend onto the southwest corner of the Property. A historic gasoline service station and maintenance facility, Roy Street Shops, is located west of the Property. A gasoline release to soil and ground water also appears to be migrating onto the western portion of the Property. Ground water monitoring wells located in the west adjacent alley have not been sampled since the 1990s.