



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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January 2, 2015

Mr. Greg Van Patten  
Seattle Core Development Site I, LLC  
6710 East Camelback Road, Suite 100  
Scottsdale, AZ 85251

**Re: No Further Action at the Following Site:**

- **Name:** BMW Seattle Pike Street
- **Address:** 714 E. Pike / 715 E. Pine Street, Seattle, WA
- **Facility/Site No.:** 33641566
- **CS ID:** 1055
- **VCP No.:** NW2618

Dear Mr. Van Patten:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the BMW Seattle Pike Street 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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Is further remedial action necessary to clean up contamination at the Site?

**NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.**

**This opinion is based on information and data provided in the Construction Completion Report dated October 16, 2014. In response to Ecology's Further Action determination in an opinion letter dated November 13, 2013, the report documents the remedial activities that have addressed Ecology's concern regarding contamination in the soil and ground water at the Site.**

This opinion is also 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**

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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:

- Total Petroleum Hydrocarbons – as gasoline (TPH-G), diesel range (TPH-D), and heavy oil-range (TPH-O) into soil.
- Lead and cadmium into soil.

### **Basis for the Opinion**

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

1. Hart Crowser, October 16, 2014, Construction Completion Report – Pike Motorworks Building, Seattle, WA.

The document listed above is kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7235, or by 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 **no further remedial action** is necessary to further clean up the contaminated soil at the Site. That conclusion is based on the following analysis:

#### **1. Characterization of the Site.**

Ecology has determined characterization of the Site is sufficient to establish cleanup standards, and select cleanup actions for removal of the contaminated soil exceeding MTCA Method A cleanup levels and confirmation of the groundwater quality.

- a. Remedial investigations conducted at this Site before 2013 confirmed the presence of chemicals of concern (COCs) as aforementioned in the soil. Contamination in the soil resulted from four (heating, waste, diesel, and gasoline) underground storage tanks (USTs) and the historical operations of the facility.
- b. In compliance with Ecology's requirements, the cleanup action performed in 2014 at this Site was completed to remove soil contaminated with petroleum products, lead and cadmium. The remediation was conducted in conjunction with a current

redevelopment project which included removal of the four USTs and excavation of the soil to a maximum depth of 35 feet below ground surface (bgs). Approximately 20,600 tons of soil contaminated with metals (lead and cadmium) and petroleum products were excavated and transported off-Site for appropriate disposal.

- c. The laboratory analysis results of the soil collected from base of the excavation, to a depth of 40 feet bgs, and at the sidewalls confirm that impacted soil at concentrations exceeding MTCA Method A cleanup levels has been cleaned up at this Site.
- d. The laboratory analysis results of ground water samples collected from two monitoring wells confirmed that all the COCs discovered in soil were at non-detectable concentrations at the laboratory reporting limits or below MTCA Method A cleanup levels at this Site.

## **2. Establishment of cleanup standards.**

### **a. Substance-specific standards.**

- Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.
- Cleanup levels for soil contamination at this Site are defined as the MTCA Method A cleanup levels, which are classified for unrestricted land use.
- Cleanup levels for ground water contamination at this Site are defined as the MTCA Method A cleanup levels.

### **b. Action and location-specific requirements.**

The requirements to clean up this Site included removal and disposal of the USTs and contaminated soil exceeding the MTCA Method A cleanup levels for unrestricted land use.

## **3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

- a. Remediation's were conducted to remove the USTs and contamination in soil and appropriately to dispose of these materials off-Site.
- b. Confirmation soil and ground water samples were collected for laboratory analysis at the Site. The results indicated the contaminant concentrations were undetectable, or below the MTCA Method A cleanup levels for unrestricted land use.

#### 4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site at MTCA Method A cleanup levels for all the COCs listed aforementioned. This determination is based on the performances specified below.

- a. The above-ground hydraulic life and all (four) the gasoline, diesel, waste and heating-oil USTs were removed and appropriately disposed of off-Site.
- b. The petroleum hydrocarbon-, lead- and cadmium-contaminated soils exceeding MTCA Method A cleanup levels were excavated; a total of approximately 20,600 tons was disposed of off-Site. The follow-up soil confirmation sample analysis concluded that completion of soil removal to undetectable, or below MTCA Method A cleanup levels was achieved.
- c. Laboratory results of samples collected from two Site monitoring wells also demonstrated the ground water was not impacted due to releases of the historical operations at this Site. The monitoring wells were advanced up to approximately 55 feet bgs, one at the central area and another down gradient of the Site. The purpose of the sampling was to determine if the ground water was contaminated due to releases of the facility's operations.

#### Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Confirmed and Suspected Contaminated Sites List.
- Leaking Underground Storage Tank List.

#### Limitations of the Opinion

##### 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.

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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).

**Termination of Agreement**

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Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project #NW2618.

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 or the termination of the Agreement, please contact me by phone at (425) 649-7126 or e-mail at [gyan461@ecy.wa.gov](mailto:gyan461@ecy.wa.gov).

Sincerely,



Grant Yang  
Toxics Cleanup Program

Enclosures: A - Site Description  
B - Site Diagrams

cc: Angie Goodwin, Hart Crowser  
Sonia Fernandez, VCP Coordinator, Ecology  
Dolores Mitchell, VCP Financial Manager, Ecology

## Site Description

*This enclosure provides Ecology's understanding and interpretation of Site conditions and forms part of the basis for the opinion expressed in the letter.*

**Site:** The VCP cleanup Site is located at 714 East Pike Street in Seattle, WA (Property). The Site is defined as residential and commercial zoning. The Property occupies King County tax parcel number 674670-1635.

**Area and Property Description:** The Property covers approximately 54,000 square feet (1.26 acre) in the Capitol Hill commercial and residential district. The Property previously contained two buildings and three parking lots. Additionally, in the past the facility had been occupied by various businesses, including an automobile spring manufacturing company and an auto repair shop.

**Property History and Current Use:** Historical property features included an auto parts storage area, presence of four USTs (5,000-gallon gasoline, 2,000-gallon diesel, 500-gallon waste oil, and 500-gallon heating oil UST), and an aboveground hydraulic lift area.

The current owner, Seattle Core Development Site I, LLC, implemented a redevelopment project at this Property in 2014, to construct a building with three levels of underground parking garage and seven floors of retail and residential apartments. In conjunction with the remedial action, all the impacted soil was excavated up to 35 feet below the ground surface (bgs) and disposed off-Site.

**Source of Contamination:** Based on the Site assessment reports, presence of petroleum hydrocarbons and metals (lead and cadmium) was confirmed in soil at this Site. Impacts of these contaminants to the surface and subsurface soils occurred over time through releases from the four USTs and the springing manufacture. In addition, surface spills and discharges directly on the ground from the historical various operations at this Facility contributed contamination to the soil.

**Physiographic Setting:** The Site is located on a broad plateau at an elevation of approximately 150 feet above mean sea level, adjacent to the western shoreline of Puget Sound. The Site is within a completed developed neighborhood in Seattle with a gentle gradient sloping toward the west.

**Surface/Storm Water System:** The closest surface water to the Site is Puget Sound, which is approximately 6,000 feet to the west. Surface water and storm water runoff on and in the vicinity of the Site disperses via sheet flow to the City of Seattle storm water drainage system.

**Ecological Setting:** There is no terrestrial habitat within 500 feet of any part of the Site, which is surrounded by residential and commercial land uses.

**Geology:** The Site and vicinity are dominated at the surface and at depth by the Vashon till, a dense lithologic unit characterized by poorly-sorted materials. A veneer of Vashon recessional outwash deposits is also present, which is indicated by well logs to depths of at least 40 feet overlying the till at this Site.

**Ground Water:** Ground water was present at depths ranging from approximately 45 to 51 feet bgs at the Site. Based on a regional study report, the ground water flow direction is generally west. Excavations of soil to as deep as 35 feet bgs and construction of the waterproof multi-level underground parking garage have resulted in the removal of a shallow perched water-bearing zone

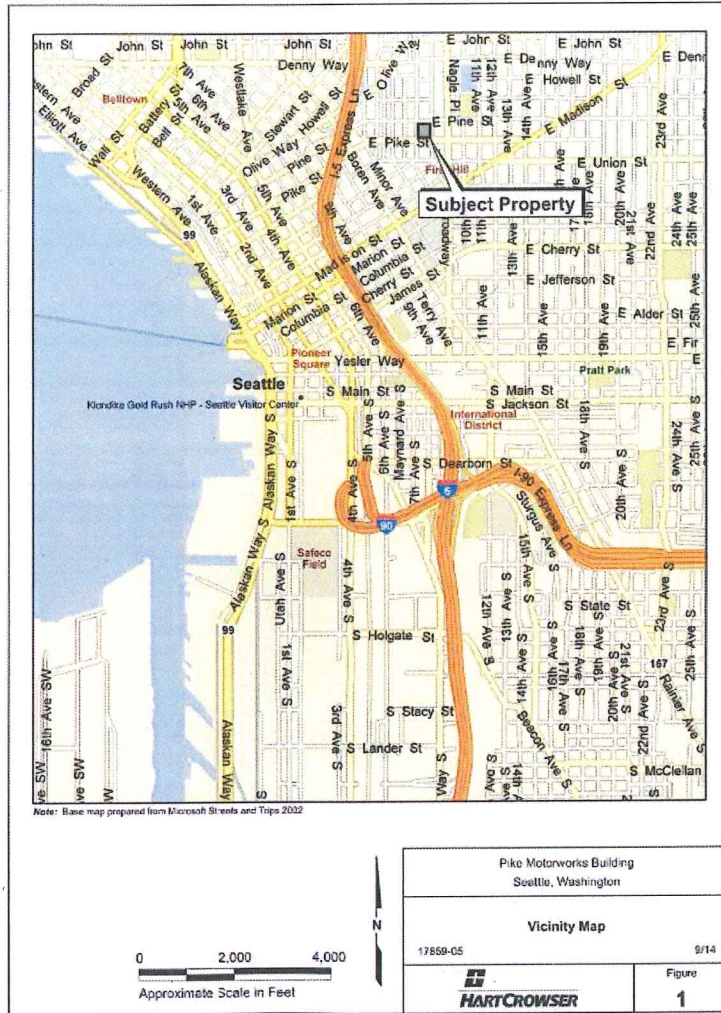
encountered at approximately 15 feet bgs within the Property during the Site assessments. A footing drain system built for the redevelopment project is designed to capture the ground water at the building footing for permitted discharge to the City's storm drain system.

**Water Supply:** Public water supply is currently provided to the Site by the City of Seattle. There are no private wells located within approximately 1,000 feet from the Property.

**Releases and Extent of Soil and Ground Water Contamination:** Soil was contaminated due to releases from operations of the former BMW dealership facility. Before 2014, various cleanup efforts were conducted at this Site, which included characterization of contamination and decommissioning of two USTs.

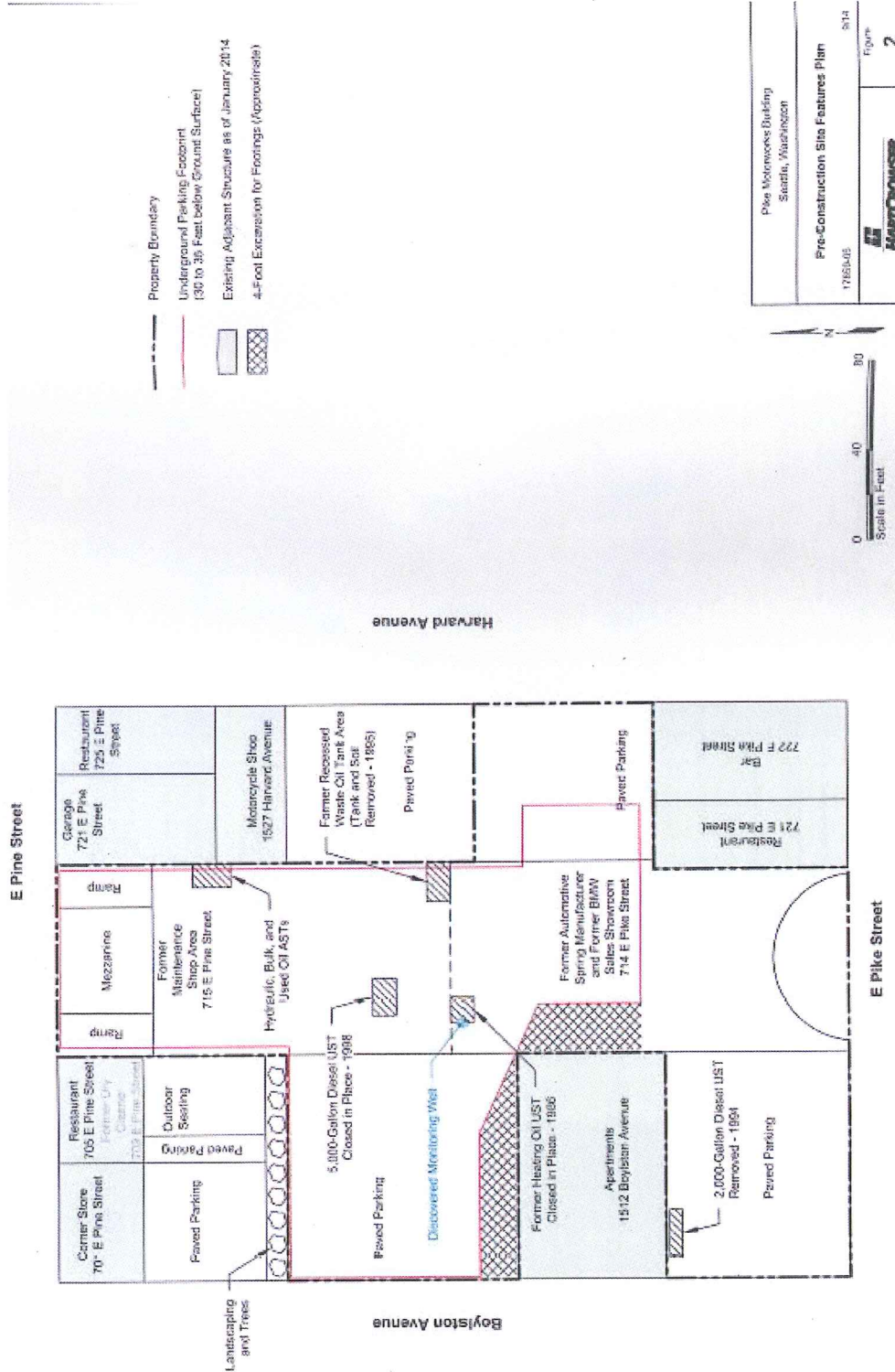
A redevelopment project has been constructed in 2014. All the impacted soil and the rest of two USTs were removed and disposed off-Site during a construction of a 3-level underground parking storage. Analytical results of the confirmation soil and ground water sampling indicated that contamination in the soil and ground water is at non-detectable levels or at concentrations below MTCA Method A cleanup levels. Therefore, Ecology determines that the cleanup at this Site is complete.

# Figure 1 Location of the Site





**Figure 2 A Site Plan Showing USTs and Soil Excavation at the Site**



**Figure 3 A Site Plan Showing Soil and Ground Water Sampling Locations at the Site**

