



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 4, 2015

Mr. Denny Onslow
O & S Partners, LLC
17528 Talbot Road
Edmonds, WA 98026

Re: No Further Action at the Following Site:

- **Site Name:** Cue Apartment Property
- **Site Address:** 721 and 725 East Pine Street, Seattle, WA 98122
- **Facility/Site No.:** 19790
- **VCP Project No.:** NW2937
- **Cleanup Site ID No:** 12529

Dear Mr. Onslow:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Cue Apartment Property 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?

NO. Ecology has determined that no 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:

- Gasoline-, diesel- and oil-range total petroleum hydrocarbons (TPH-g, TPH-d and TPH-o) into the Soil;



- Benzene, toluene, ethylbenzene and xylenes (BTEX) into the Soil;
- Lead into the Soil.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

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

Basis for the Opinion

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

1. Hart Crowser, *Construction Completion Report*, dated July 22, 2014.
2. Hart Crowser, *Draft Phase I Environmental Site Assessment Update*, dated April 2, 2014.
3. Hart Crowser, *Geotechnical Engineering Design Study*, dated April 19, 2013.

Those documents are 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) 649-7190.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no 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 sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

The Site is located in a mixed commercial and residential area. Soil cleanup levels suitable for unrestricted land use are therefore applicable to this Site. MTCA Method A clean up

levels for unrestricted land use were selected for this Site which are protective of direct contact and leaching pathways. This is an appropriate cleanup standard for this Site.

This Site qualified for a Terrestrial Ecological Evaluation (TEE) exclusion based on the absence of more than 1.5 contiguous acres of undeveloped land on or within 500 feet of any area of the Site in accordance with WAC 173-340-7491(1)(c). Land use at the Site and surrounding area makes substantial wildlife exposure unlikely.

MTCA Method A ground water cleanup levels were deemed applicable and appropriate for this Site. The cleanup levels were established for ground water based on its use as a potential drinking water source. This is an appropriate cleanup standard for this Site.

The standard point of compliance for soil was set based on the protection of ground water. The point of compliance in soil is therefore throughout the Site.

The standard point of compliance for ground water is throughout the Site from the uppermost level of the saturated zone extending vertically 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 meets the substantive requirements of MTCA.

Excavation and removal of all contaminated soil was the selected cleanup action for the Site. All contaminated soil was excavated and transported to a permitted facility.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

Toluene, ethylene and xylenes were detected in soil at concentrations below the MTCA Method A cleanup levels and therefore meet the cleanup standards established for the Site.

Approximately 615 tons of TPH-g, TPH-d, TPH-o, benzene and lead contaminated soil were excavated and transported to a permitted disposal facility. The excavation located on the southern half of the Property, was up to 9.75 feet deep, 15 to 45 feet long (with a narrow 75 foot long portion at the western most edge) and approximately 60 feet wide. Thirty four soil samples including five characterization, four stockpile and 24 verification samples were collected; 33 were analyzed for TPH-g, TPH-d, TPH-o, BTEX, metals and volatile organic compounds.

Although perched ground water was encountered at approximately 14 feet below the ground surface (bgs) at location HCDOP-2 (*Geotechnical Engineering Design Study*, Hart Crowser, April 2013), it was not encountered in any other locations to a maximum depth of 41.5 feet bgs and was not encountered during remedial or redevelopment excavation activities to a maximum depth of 15 feet bgs. Furthermore, lead and benzene concentrations exceeding MTCA Method A cleanup levels were only detected at HCDOP-2 in the soil sample collected from 0.125 to 1 foot bgs; lead and benzene were below cleanup levels in deeper samples (7 to 8.5 feet bgs and 10 to 11.5 bgs) collected above the perched water. Based on the lack of ground water at locations HCDOP-1 and HCDOP-3 (total depths of 41.5 and 16 feet respectively), perched ground water does not likely occur on the Site as a continuous water-bearing zone. Other than the localized perched water encountered in HCDOP-2, Site ground water is likely present in a regional aquifer occurring beneath the Site below 41.5 feet bgs, the maximum depth explored. Ground water was encountered at approximately 45 to 51 feet bgs in investigations conducted at the adjacent parcel to the west. Based on the approximately 38 feet of clean soil between the deepest contamination on the Site and the estimated depth to ground water on the Property, deeper ground water is most likely not impacted as a result of the releases associated with this Site.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites 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.

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

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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

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (NW2937).

For more information about the VCP and the cleanup process, please visit our web site: 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) 649-7097 or e-mail at desc461@ecy.wa.gov.

Sincerely,



Diane Escobedo
Toxics Cleanup Program

Enclosure: A – Description and Diagrams of the Site

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

Enclosure A

Description and Diagrams of the Site

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 total petroleum hydrocarbons (TPH-g, TPH-d and TPH-o), benzene, ethylbenzene, xylenes and lead to the soil. The Site is located at 721 East Pine Street and 1523 Harvard Avenue in Seattle, WA (Property).

Area and Property Description: The Property corresponds to King County parcel numbers 6003000550 corresponding with addresses 721 and 725 East Pine Street and 1527 Harvard Avenue (parcel A) and 6003000555 corresponding with address 1523 Harvard Avenue (parcel B). Parcel A is 0.17 acre in size and Parcel B is 0.07 acre in size. The Property occupies the northeast corner of the block and is bounded by East Pine Street and a parking garage and café to the north, Harvard Avenue and Seattle Central Community College's Fine Arts building to the east, East Pike Street to the south, Boylston Avenue to the west and parcels currently undergoing redevelopment for mixed commercial and residential uses. The adjoining Property to the west is currently listed on Ecology's Confirmed and Suspected Contaminated Sites List and is enrolled in Ecology's Voluntary Cleanup Program (Site No. NW2618) for releases associated with the automobile and motorcycle service activities.

Property History and Current Use: The Property was developed for residential use as early as 1893 when residences were heated with oil burners. In 1920, a commercial one-story building replaced the two residences on parcel A. The building was occupied by a restaurant (1975 to 2005) and an automobile service garage and motorcycle shop (1935 through 2005). Prior to redevelopment, parcel A was occupied by a one-story retail store. An auto repair facility is associated with the 1527 Harvard Avenue address from 1925 through 1996. Parcel B was first occupied by a duplex residence and later redeveloped as an apartment complex from 1903 until approximately 1969. From approximately 1977 until the 2014 redevelopment, parcel B was used as an asphalt-paved parking lot. The Property is currently being redeveloped as a 7-story mixed retail residential complex with one level of below ground parking.

Contaminant Source and History: No contamination was identified in association with the former motorcycle and automotive repair facilities. During a 2014 Site visit, no floor drains were observed and the concrete floor was in good condition at the previous motorcycle shop. Two approximately eight foot deep trenches had been cut in the floor and into the soil beneath the southern portion of the 15th Avenue Garage building (western half of parcel A) to observe soil type and assess any obvious environmental impacts in association with former use as an automotive repair facility. No odors or stains were observed. Two test pits were also excavated to depths of approximately 8 feet at the automotive repair facility on the southern portion of the parcel A. No odors or sheens were observed in either pit and no hydraulic lifts were present. No obvious environmental impacts such as odors or sheens were observed in the test pits and therefore no environmental samples were collected. The source of petroleum, lead and benzene contaminated soil identified in the southern portion of the Property is suspected to be leaded gasoline releases and fluids associated with the historic use of the Property for vehicle parking. Two previously unknown 500-gallon heating oil underground storage tanks (USTs) were discovered and removed during the June 2014 construction activities in the southeast corner of the parking lot off Harvard Avenue. TPH-d-impacted soil was associated with the southern UST which was in poor condition with one hole on the bottom and two holes on the top. TPH-g-impacted soil was also detected

at a concentration of 32 mg/kg which exceeds the MTCA Method A cleanup level of 30 mg/kg in a sample collected from the southern UST excavation. The northern UST was in good condition, no contaminated soil observed in the excavation and sidewall and bottom soil samples (UST2-SW-1, UST2-SW-2 and UST2-F1) indicated that a release to soil did not occur.

Physiographic Setting: The Site and surrounding topography slopes to the west and south toward Elliott Bay. The Property elevation ranges from approximately 290 to 299 feet above mean sea level.

Surface/Storm Water System: Elliott Bay is the closest surface water body to the Site and is located approximately one mile southwest of the Property. Lake Union is also located approximately one mile to the northwest of the Property. Storm water is collected in storm drains located at the corner of East Pine Street and Harvard Avenue and Boylston Avenue and East Pine Street.

Ecological Setting: Following redevelopment, the Property will be completely covered with a building. Land surrounding the Site is primarily covered with buildings, asphalt and concrete with minor landscaped areas which are unlikely to attract wildlife.

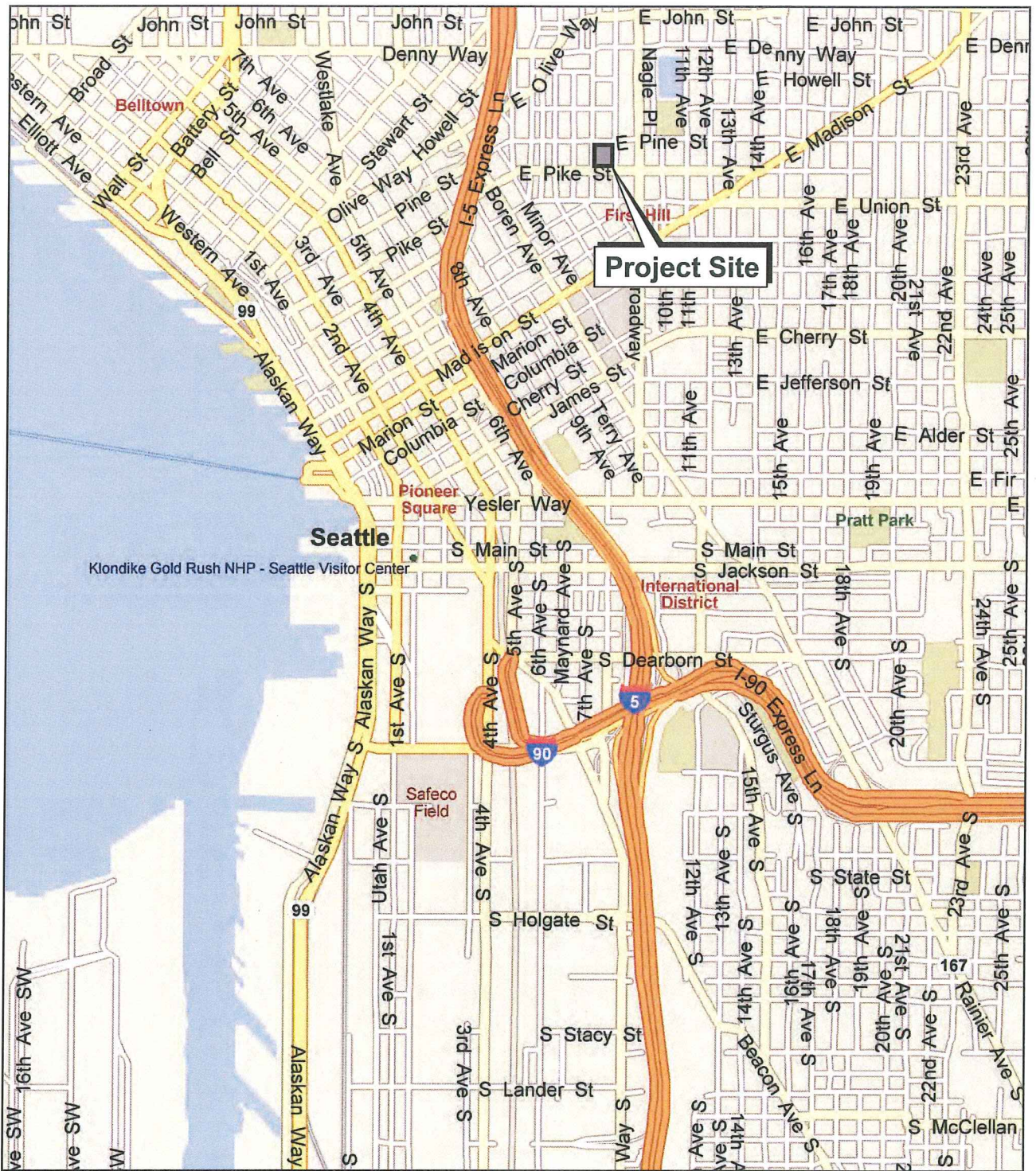
Geology: The Property is underlain by fill materials consisting of silty gravelly sand with brick fragments and organic material to depths of approximately five to eight feet below ground surface (bgs). Vashon glacial till, which locally consists of dense, silty, gravelly sand and sandy silt, underlies the fill material. Advance outwash deposits, which locally consist of dense sand and gravel with a small amount of silt, were encountered from 25 to 41.5 feet bgs, the maximum depth explored.

Ground Water: Perched ground water was encountered at one boring location (HCDOP-2) a depth of 14 feet bgs. However, ground water was not encountered during excavation activities. Ground water was not encountered at the Property to a maximum depth explored of 41.5 feet bgs at location HCDOP-1. At the adjacent parcel to the west (VCP site NW2618) perched water was only encountered in one push probe location located on the east side of the building/parcel at 12.6 feet bgs and was not encountered at adjacent borings to the north, south, east or west. Ground water was encountered in monitoring wells on the adjacent parcel at 45 and 51 feet bgs in the Advance outwash unit. Ground water in the vicinity of the Property likely occurs at similar depths and most likely flows to the west/southwest toward Elliot Bay.

Water Supply: Drinking water to the Property is supplied by Seattle Public Utilities which draws from the Cedar River and Tolt River watersheds (70% and 30% respectively). According to Ecology's well log database, there are no drinking water wells located within ½ mile of the Property.

Release and Extent of Soil Contamination: Soil contaminated with TPH-g, TPH-d and TPH-o, benzene, ethylbenzene, xylenes and lead above Method A was limited to the southern portion of the Property and within the upper six feet. Ethylbenzene and xylenes were detected but did not exceed the MTCA Method A cleanup levels. The maximum benzene concentration in soil (55 milligrams per kilograms (mg/kg)) was detected in a sample collected at one foot bgs at location HCDOP-1. The maximum TPH-o concentration (6,000 mg/kg) was detected at location E21-N8.5-290 at 5 feet bgs. The maximum TPH-g concentration (32 mg/kg) was detected at location UST-1-F at 6 feet bgs. The maximum lead concentration (1,200 mg/kg) was detected at seven feet bgs at sample location E19-N5-288. Contaminated soil at concentrations exceeding Method A cleanup levels was found at a maximum depth of 7 feet bgs. One of the 33 samples analyzed contained TPH-o, three contained lead and one contained TPH-g and TPH-d at concentrations above the MTCA Method A cleanup levels. These areas were overexcavated and samples were collected confirming all soil above MTCA Method A cleanup

levels had been removed. All contaminated soil was excavated and transported off-Site for disposal at a permitted facility. Additional redevelopment excavation occurred beyond the remedial action limits to depths of 10 to 15 feet bgs.



Note: Base map prepared from Microsoft Streets and Trips 2002.

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0 2,000 4,000



Approximate Scale in Feet



721 East Pine Street
Seattle, Washington

Vicinity Map

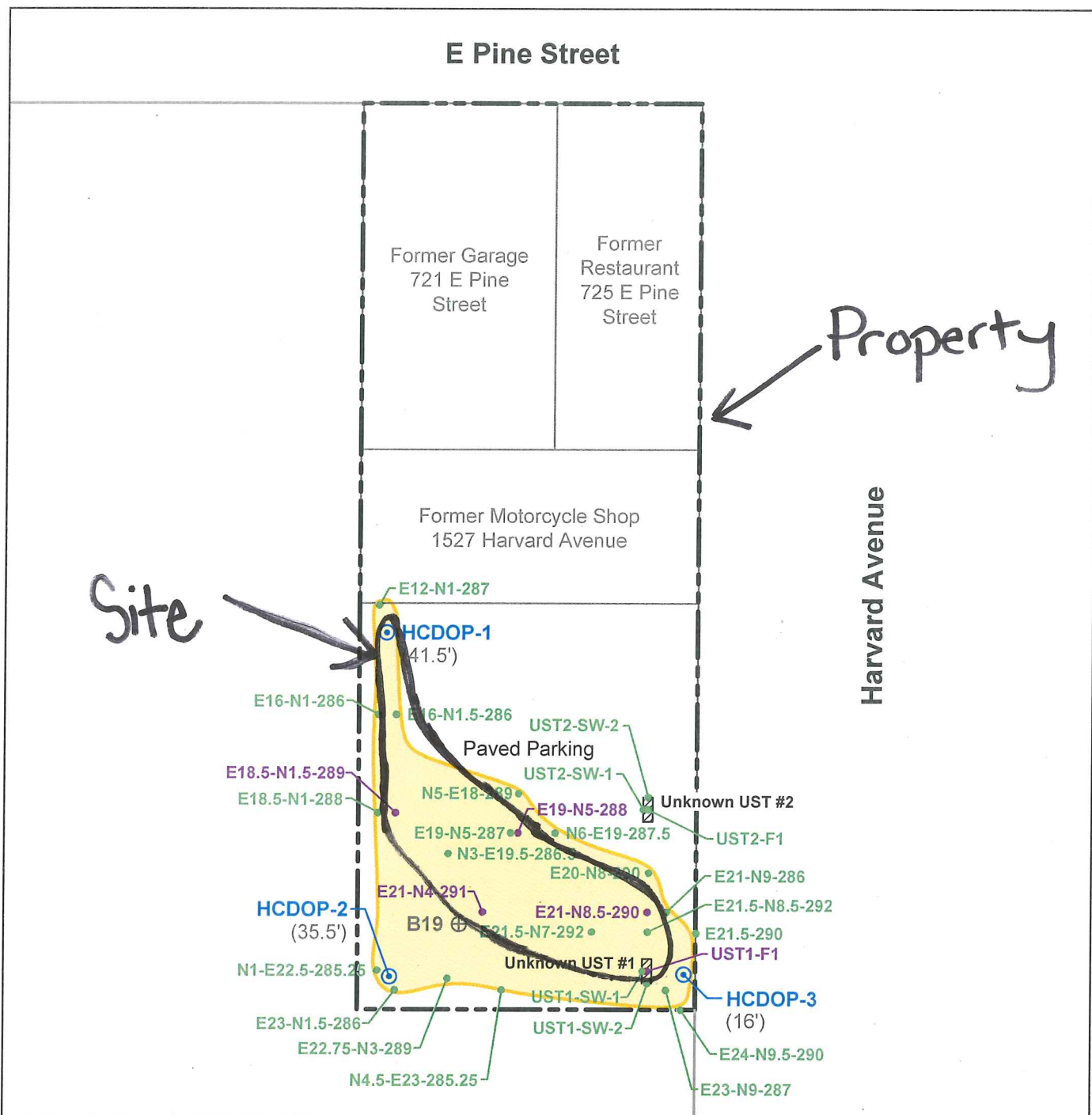
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HARTCROWSER

Figure

1



Legend

E16-N1.5-286 • Characterization soil sample by Hart Crowser

E16-N1.5-286 • Verification soil sample by Hart Crowser

HCDOP-1⊙ Exploration by Hart Crowser
(15') Depth

B19⊕ Historical boring by others
(Approximate location)

Approximate area of remedial excavation

Property boundary

0 30 60
Scale in Feet



721 East Pine Street
Seattle, Washington

Soil Sample Location Plan

17937-02

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Figure

2a