



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 9, 2011

Curt Pryde
Pryde & Johnson
419 NE 70th Street
Seattle, Washington 98115

COPY

Re: Opinion on Proposed Cleanup of the following Site:

- **Site Name:** Ballard Library
- **Site Address:** 5711 24th Avenue NW, Seattle, Washington
- **Facility/Site No.:** 8716
- **VCP Project No.:** NW2484

Dear Mr. Pryde:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Ballard Library 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

Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

NO. Ecology has determined that, upon completion of your proposed cleanup, no further remedial action will likely be 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 release:



- Petroleum Hydrocarbons 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 parcel(s) 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. Shannon & Wilson, Inc., Phase I and Phase II Site Assessment, Ballard Library, Seattle, Washington, February 2005.
2. Geotech Consultants, Inc., Phase II Site Assessment, Former Ballard Library Property, 5711 24th Avenue, Northwest, February 6, 2001.
3. Basalt Environmental, LLC, Limited Phase II Evaluation, Former Ballard Library, June 15, 2011.
4. Basalt Environmental, LLC, Remedial Action Plan for the Former Ballard Library, 5711 24th Avenue NW, Seattle, Washington, June 2011.

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 Proposed Cleanup

Ecology has concluded that, upon completion of your proposed cleanup, **no further remedial action** will likely be 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**.

Characterization of the Site was first undertaken in 2005 and included 24 soil samples and six groundwater samples acquired during two sampling episodes.

Six additional soil samples were acquired during 2011. All sampling was accomplished by direct-push borings (21 borings). Four borings were located inside (mostly the northern area) of the former library building. Depth of exploration on the Property was limited (12 ft. bgs maximum) because of refusal encountered by direct-push equipment. Soil sample locations at depth were based on field screening methods. Groundwater was present only during one sampling episode in February 2005.

The samples were analyzed for appropriate compounds selected according to the historical uses of the Property, and included TPH (G-D-O ranges), BTEX, VOCs, and metals. Analytical results indicated minor detections of some compounds dispersed in areas of the Property, with significant levels of TPHG (gasoline and mineral spirits) detected in three soil samples. A geophysical survey was done to find possible USTs, and none were detected.

Samples were not acquired beneath the southern area of the building, and depth and flow direction of permanent groundwater were not established. The characterization was sufficient however to demonstrate that extended areas with significant levels of contamination are likely not present on the Property, and to define two localized areas of soil contamination. Cleanup standards and a suitable cleanup action could be determined.

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.

Method A cleanup levels for soil and groundwater were established for the Site. Cleanup levels protective of terrestrial organisms do not apply because the general area surrounding the Site consists of densely spaced buildings and extensive paved surfaces. The standard point of compliance (Method A cleanup levels achieved throughout the Site) was selected. These cleanup standards are appropriate for this Site.

3. Selection of cleanup action.

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

The Property is slated for development as Dept. of Housing & Urban Development sponsored housing. Construction of a new building will include demolition of the library building and property-wide excavation to 10-15 ft. below the existing grade for underground parking. The two identified areas of contaminated soil above Method A cleanup levels and any other soil above Method A will be removed from the Property during this construction. Appropriate confirmation samples will be acquired at the limits of excavations. Available data indicated that perched groundwater was not contaminated, and this will be confirmed and/or further evaluated if needed during the construction.

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 proposed will be substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. 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).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. 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. If you have any questions about this opinion, please contact me by phone at (425) 649-7251 or e-mail at rnye461@ecy.wa.gov.

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Sincerely,

A handwritten signature in black ink that reads "Roger K. Nye". The signature is fluid and cursive, with the first name "Roger" being the most prominent.

Roger K. Nye
NWRO Toxics Cleanup Program

rn/kh

Enclosures (1): A – Description and Diagrams of the Site

cc: Scott W. Gaulke & Greg Peterson
Project Consultants

Enclosure A

Description and Diagrams of the Site

The Site is situated within a .46 acre Property located at 5711 24th Avenue NW in Seattle, Washington. Known past use of the Property included an automobile service station and a separate auto-repair facility that operated from about 1940 to 1960. A clothes cleaners reportedly operated on the Property during the late 1930s. A library building extending over nearly half the Property was constructed in 1962 and used until 2005. Subsequent characterization of the Property identified localized areas of TPHG (as gasoline and mineral spirits) above cleanup levels in soil. These releases and any other remnant contamination from the historical activities on the Property comprise the Site.

The area surrounding the Site (Ballard area) consists of dense residential housing, commercial businesses, and extensive paved surfaces. There are two sports field areas: Ballard Playground (~1,000 ft. to the northwest), and Ballard Commons Park (~600 ft. to the east). The elevation of the Site is 75-80 ft. above mean sea level, and the land slopes down gently south southwest to Salmon Bay ~1,500 ft. distance away.

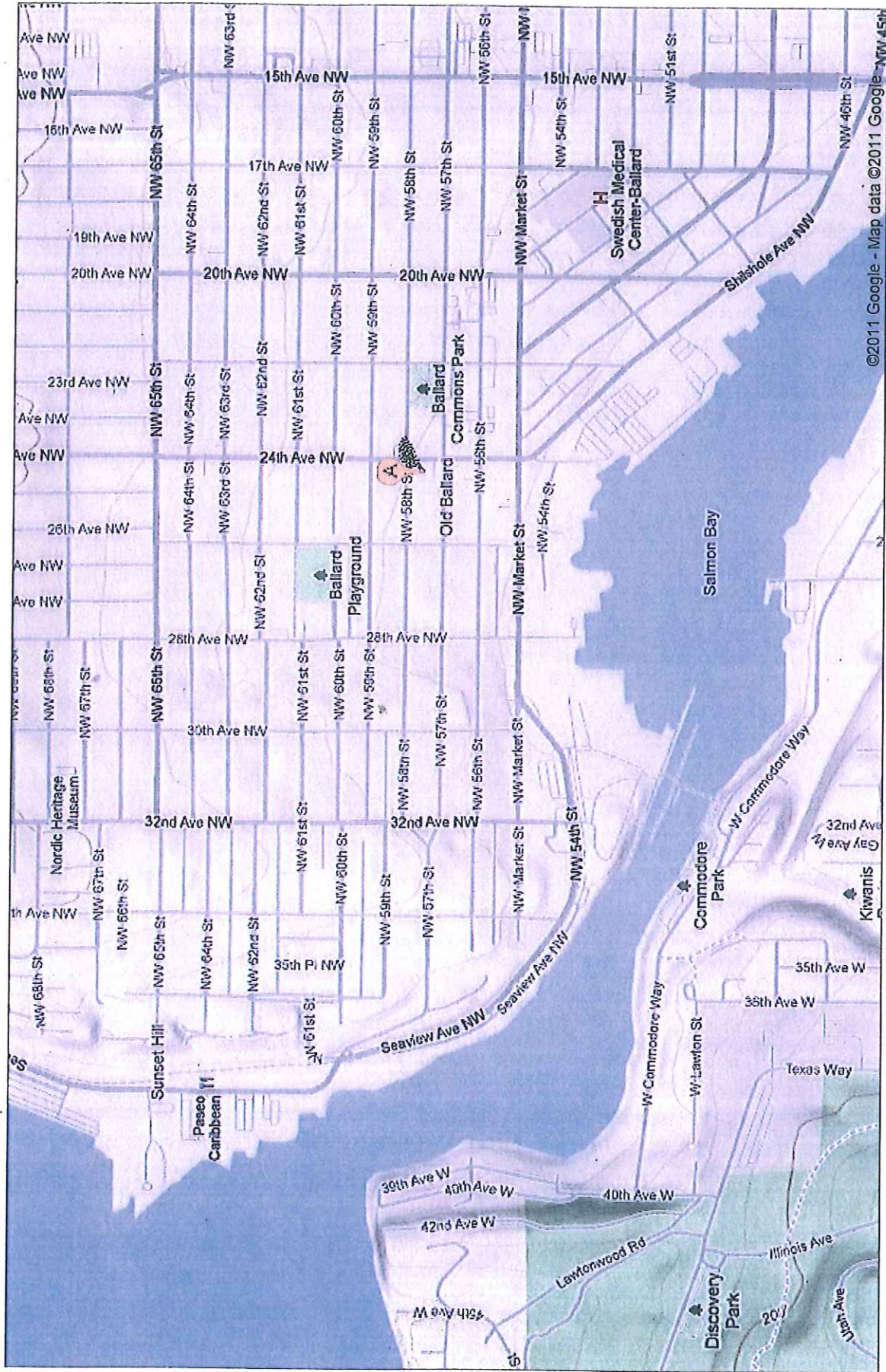
Local subsurface geology consists of fill material as interpreted (sand and gravel) of variable thickness (3 to 8 ft.). Native till material beneath is sand and silt with some gravel (SM). Soil density increases with depth, and direct-push equipment encountered refusal between 9 and 12 feet bgs over the Property. Ephemeral perched groundwater at 7-9 ft. bgs was present during one sampling episode done in February 2005. Based on topography, groundwater flow is to the south southwest.

Two areas of contaminated soil were identified. One area is roughly 1,700 square feet in area with TPHG (gasoline) detected at shallow depth. The other area is roughly 900 square feet in area with TPHG (mineral spirits) detected 6-8 ft. bgs. It is possible some additional soil contamination exists beneath the former library building. The perched groundwater was not contaminated where sampled (east and south areas of the Property).

Future development of the Property will entail property-wide excavation to 10-15 ft. bgs, which should resolve issues regarding contamination on the Property.



Former Ballard Library
5711 24th Avenue NW, Seattle, WA



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