



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 15, 2015

Mr. Neil Schimmel
Sunset View Apartments, LLC
11620 Wilshire Boulevard, Suite 500
Los Angeles, CA 90025

Re: Further Action at the Following Site:

- **Site Name:** Sunset View Apartments
- **Site Address:** 2101 SW Sunset Blvd, Renton, WA 98055
- **Facility/Site No.:** 9625997
- **Cleanup Site ID No.:** 424
- **VCP Project No.:** NW2854

Dear Mr. Schimmel:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Sunset View Apartments 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.

This letter constitutes an advisory opinion regarding a review of the submitted remediation report and request 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:

- Total Petroleum Hydrocarbons - Diesel and Heating Oil Range Organics in Soil.

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 remedial actions:

1. Grant Associates, Inc., May 29, 2015, Report of Findings Subsurface Investigation.



Mr. Neil Schimmel
September 15, 2015
Page 2

The document 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 email to nwro_public_request@ecy.wa.gov.

Remedial actions were conducted at this Site in October, 2014, which included collections of soil samples in five soil borings for laboratory analysis. After reviewing results of the additional subsurface investigation report, Ecology believes that an environmental restrictive covenant for this Site is inappropriately issued at this Site, because the impacted soil exceeded MTCA Method A cleanup level remains at the former underground storage tank (UST) excavation.

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

- Based on the subsurface investigation report, there is an approximately 25-cubic-yard-pocket of the contaminated soil at the level 24,400 mg/kg beneath the former UST excavation, while the contamination level in the soil is below the cleanup level elsewhere at the Site. An NFA determination for this Site will be considered if the exceed soil is successfully removed and disposed from the former UST excavation.

Please note that this opinion is based solely on the information contained in the document 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 a NFA under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7126 or by email at gyan461@ecy.wa.gov.

Sincerely,



Grant Yang
Site Manager
Toxics Cleanup Program

cc: Bryan Campbell, AEI Consultants
Sonia Fernandez, VCP Coordinator