



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 15, 2011

Mr. Cliff Schmitt
Farallon Consulting, LLC
975 5th Avenue Northwest
Issaquah, Washington 98027-2419

Re: No Further Action at a Property Associated with a Site: Former Four Seasons Dry Cleaners

- **Property Address:** 7800 SE 27th Street, Mercer Island, Washington
- **Facility/Site No.:** 6355773
- **VCP Project No.:** NW 1799

Dear Mr. Schmitt:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of a Property associated with the Former Four Seasons Dry Cleaners 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.

Issues Presented and Opinion

1. Is further remedial action necessary at the Property to clean up contamination associated with the Site?

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

2. Is further remedial action still necessary elsewhere at the Site?

YES. Ecology has determined that further remedial action is still necessary elsewhere 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 Property and the Site

This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately below.

1. Description of the Property.

The Property includes the following tax parcel in King County that was affected by the Site and addressed by your cleanup:

- 5315101236

Enclosure A includes a legal description of the Property. **Enclosure B** includes a diagram of the Site that illustrates the location of the Property within the Site.

2. Description of the Site.

The Site is defined by the nature and extent of contamination associated with the following releases:

- Tetrachloroethene into the soil and groundwater.
- Petroleum hydrocarbons into the soil and groundwater.

Those releases have affected more than one parcel of real property, including the parcel identified above.

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

3. Identification of Other Sites that may affect the Property.

Please note that a parcel of real property can be affected by multiple sites. At this time, we have information that the Property may be affected by another site.

The adjoining property, Tully's Coffee Shop (I & M Associates), facility ID # 91358149, may have affected the Property.

Tully's Coffee Shop was formerly Fuji Auto. A 1993 site assessment found gasoline in soil up to 5,500 ppm, diesel in soil up to 570 ppm, and benzene in soil up to 140 ppm. A June 1993 report stated that a vapor extraction system had been installed. An August

1995 report stated that one of seven wells contained free product. An October 1995 letter stated that groundwater had up to 69,000 ppb gasoline and up to 7,700 ppb diesel. The degree to which the Tully's Coffee Shop site has been remediated is unknown.

This opinion does not apply to any contamination associated with the Tully's Coffee Shop facility.

Basis for the Opinion

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

1. Geotechnical Engineering Study, Proposed Mixed-Use Building, 7800 Southeast 27th Street, Mercer Island, Washington by Geotech Consultants and dated January 12, 2001.
2. Phase 1 Environmental Site Assessment, Proposed Mixed-Use Building, 7800 Southeast 27th Street, Mercer Island, Washington by Geotech Consultants and dated January 24, 2001.
3. Phase II Subsurface Investigation, Mercer Island Redevelopment Project, 7800 SE 27th Street, Mercer Island, Washington by The Riley Group and dated June 19, 2001.
4. Phase II Environmental Site Assessment, Four Seasons Dry Cleaners, Mercer Island, Washington by Farallon Consulting and dated March 24, 2004.
5. Cleanup Action Status Report, Volumes 1 – 4, Four Seasons Dry Cleaners, 7800 SE 27th Street, Mercer Island, Washington by Farallon Consulting and dated January 26, 2005.
6. Excavation Plan, Former Four Seasons Dry Cleaners, Mercer Island, Washington by Farallon Consulting and dated July 28, 2006.
7. Confirmation Groundwater Monitoring Report, Four Seasons Dry Cleaners, 7800 SE 27th Street, Mercer Island, Washington by Farallon Consulting and dated March 16, 2007.
8. Site Closure Report, Former Four Seasons Dry Cleaners, 7800 Southeast 27th Street, Mercer Island, Washington by Farallon Consulting and dated October 22, 2009.
9. Supplemental Information for Site Closure, Former Four Seasons Dry Cleaners, 7800 Southeast 27th Street, Mercer Island, Washington by Farallon Consulting and dated December 2, 2009.
10. Request for Opinion, Former Four Seasons Dry Cleaners, 7800 Southeast 27th Street, Mercer Island, Washington by Farallon Consulting and dated July 9, 2010.

11. Response to Comments on the Request for Opinion Letter, Former Four Seasons Dry Cleaners, 7800 Southeast 27th Street, Mercer Island, Washington by Farallon Consulting and dated February 23, 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 Cleanup

1. Cleanup of the Property located within the Site.

Ecology has concluded that **no further remedial action** is necessary at the Property to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for the Property. The Site is described above and in **Enclosure B**.

In December of 1992, four test borings were installed near an oil underground storage tank. One of the four borings had strong petroleum odors.

In December of 2000, three test borings were dug to a depth of approximately 50 feet. Small sand lenses of groundwater were found with a confined aquifer at 42 feet. Petroleum-contaminated soil was encountered between five and 20 feet in one boring.

In May 2001, six test borings were installed at depths of 15 to 45 feet. Two groundwater monitoring wells were also installed. Four of the borings had non-detectible concentrations of contaminants. One boring had 2,800 ppm gasoline in soil at five feet below ground surface, but nondetectible levels at both 20 and 30 feet bgs. The last boring had levels of tetrachloroethene below Method A standards at both five and 15 feet below ground surface. Monitoring well 1 had levels of petroleum hydrocarbons below Method A standards, while monitoring well 2 had tetrachloroethene levels of 20 ppb, above the MTCA Method A standard.

Between 2001 and 2004, monitoring wells MW-5, MW-6, and MW-7 were installed. All three monitoring wells were decommissioned during remedial soil excavation in Fall 2004.

In February 2006, two additional monitoring wells, MW-8 and MW-9, were installed. Four rounds of groundwater sampling were taken, in February, May, August, and November 2006.

b. Establishment of cleanup standards for the Site.

i. Substance-specific standards.

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

The land use is designated for commercial use (three-story underground parking structure with one commercial and five residential floors aboveground), and the selected Method A standards used at this site for soil and groundwater are protective of human health and the environment:

Soil

Gasoline – 100 mg/Kg
Oil – 2,000 mg/Kg
Benzene – 0.03 mg/Kg
Toluene – 7 mg/Kg
Xylenes – 9 mg/Kg
Ethylbenzene – 6 mg/Kg
Methyl tertiary butyl ether – 0.1 mg/Kg
Lead – 250 mg/Kg

Tetrachloroethene – 0.05mg/Kg

Groundwater

Gasoline – 800 µg/l
Benzene – 5 µg/l
Toluene – 1,000 µg/l
Xylenes – 1,000 µg/l
Ethylbenzene – 700 µg/l
Methyl tertiary butyl ether – 20 µg/l
Lead – 15 µg/l
Tetrachloroethene – 5 µg/l

c. Selection of cleanup for the Property.

Ecology has determined the cleanup you selected for the Property meets the substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site.

The method selected for soil – excavation of soil contaminated with petroleum hydrocarbons or tetrachloroethene and transportation off site – meets the minimum requirements for cleanup actions by providing a permanent solution, immediate restoration time frame, provides for confirmation monitoring, and protects human health and the environment.

The method selected for the petroleum contaminated groundwater – excavation of pockets of water-bearing soils and natural attenuation – meets the minimum requirements for cleanup actions.

d. Cleanup of the Property.

Ecology has determined the cleanup you performed meets the applicable Site cleanup standards within the Property.

In 1993, a 950-gallon heating oil underground storage tank was closed in place. Whether confirmatory sampling was done is uncertain.

In 2004, three underground storage tanks, previously used to store gasoline, were excavated and taken off site. Petroleum-contaminated soil, 6,700 tons, was excavated from two locations on the Property and taken off site. Confirmational sampling of the excavations showed no exceedances of MTCA Method A standards except that petroleum-contaminated soil extended from the southwest corner of the Property into the adjoining City of Mercer Island right of way at a depth of three to eight feet below ground surface. Soil contaminated with benzene extended from the northeast corner of the Property into the Washington State Department of Transportation right of way at a depth of 25 feet below ground surface.

Additional soil contaminated with tetrachloroethene, 710 tons, was excavated and taken off site.

The excavations ranged from 10 to 25 feet below ground surface.

In February 2006, two additional monitoring wells, MW-8 and MW-9, were installed. MW-8 was screened from 10 to 25 feet below ground surface and MW-9 was screened from 13 to 28 feet below ground surface. Four rounds of groundwater sampling were taken, in February, May, August, and November 2006. All four rounds were below MTCA Method A standards or non-detect for petroleum hydrocarbons and tetrachloroethene.

In 2007, redevelopment of the site resulted in the excavation of all soil on the Property up to the Property lines on all sides and to a depth of 37 feet for the installation of a three-story underground parking structure with a six-story superstructure. Six confirmational soil samples from the area of the previous northeast excavation were all below MTCA Method A standards for petroleum hydrocarbons.

The shallow sand lenses containing groundwater that were observed in 2000 were removed by the excavation.

The underground portion of the structure was constructed with a low-permeability outer layer and a drainage layer to channel groundwater away from the structure. Therefore, since the structure occupies the entire parcel, any groundwater flowing into the parcel will be channeled off site. To protect vehicle drivers from carbon monoxide and other post-combustion gases, the underground garage was equipped with high-capacity fans (1,100 to 1,800 cubic feet/minute) that exhaust to a stack on the structure roof. Thus, any contaminant vapors from the adjoining Tully's site that penetrate the low-permeability outer layer of the underground structure will be captured by the fans and exhausted to the roof, approximately 60 feet above ground.

In 2009, an area 10 feet by 21 feet by 11 feet deep was excavated southwest of the Property in the City of Mercer Island's right of way. Approximately 135 tons of petroleum-contaminated soil was taken off site to a licensed treatment facility. Confirmational soil samples collected from the final excavation had no exceedances of MTCA Method A standards.

2. **Cleanup of the Site as a whole.**

Ecology has concluded that **further remedial action** under MTCA is still necessary elsewhere at the Site. In other words, while your cleanup constitutes the final action for the Property, it constitutes only an **"interim action"** for the Site as a whole.

Listing of the Site

Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further remedial action is still necessary elsewhere at the Site, we will not remove the Site from our lists of hazardous waste sites. Furthermore, the Property will remain listed as part of the Site because the cleanup of the Property does not change the boundaries of the Site.

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**:

- Change the boundaries of the Site.
- 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 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 your Property under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (NW 1799). If you should decide

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to clean up the remainder of the Site, please do not hesitate to reapply and request additional services under the VCP.

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 360-407-7223 or by e-mail at cmaw461@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Christopher Maurer". The script is cursive and fluid.

Christopher Maurer, P.E.
HQ - Toxics Cleanup Program

Enclosures (2): A – Legal Description of the Property
 B – Description and Diagrams of the Site (including the Property)

cc: Larry and Jeanne Rea (owners)
 Dolores Mitchell (Ecology)

Enclosure A

Legal Description of the Property

LEGAL DESCRIPTION

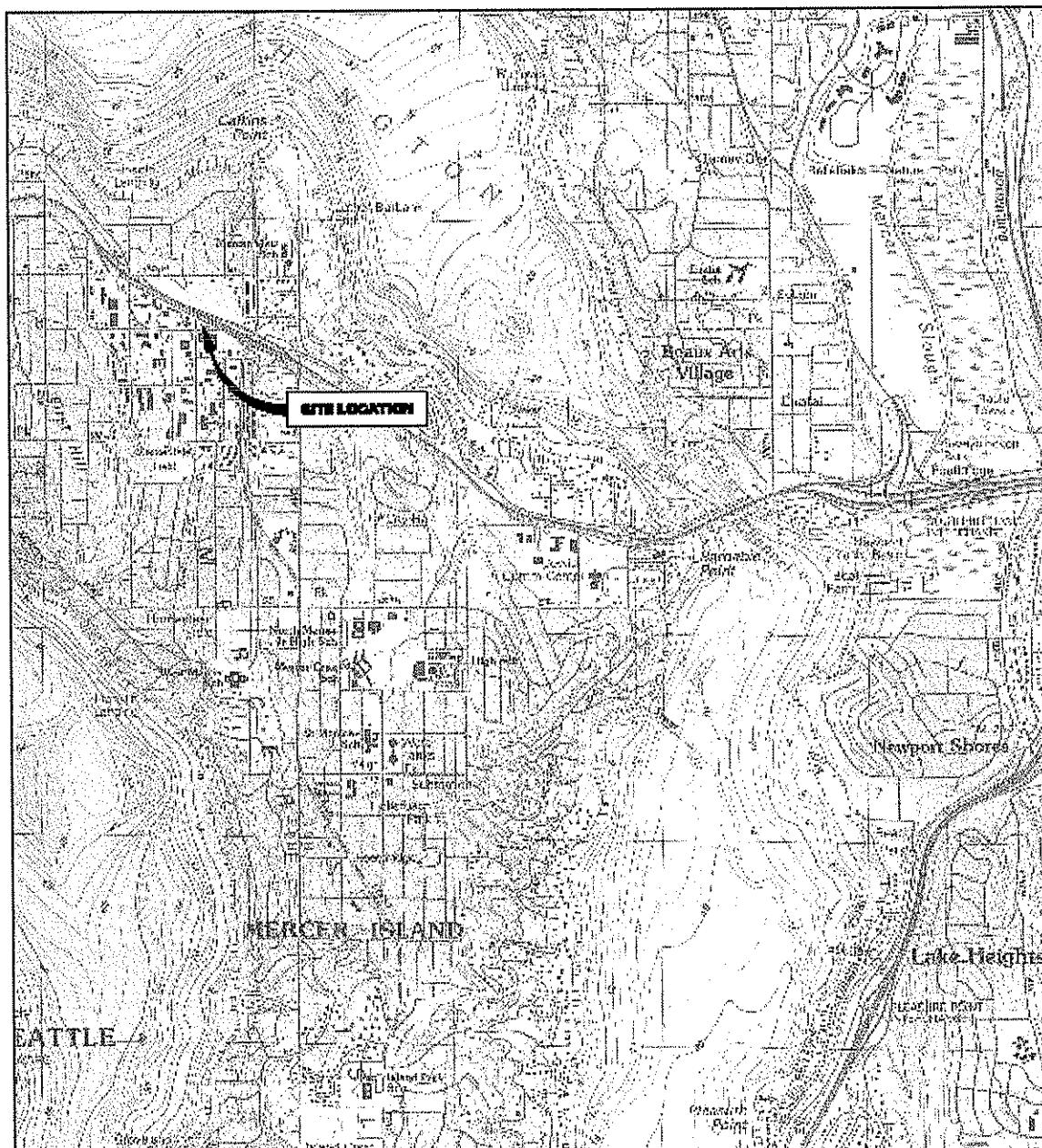
The west 113.50 feet, in width, of Lot 1, and the west 113.50 feet in width of Lot 2, Block 15, McGilvra's Island Addition, according to the plat thereof recorded in Volume 16 of plats, page 58, Records of King County, Washington, lying northerly of the north margin of North Mercer Way, as established by deed recorded under recording number 2561652;

Except that portion thereof condemned for primary State Highway No. 2 in King County Superior Court Case No. 312351;

And except that portion thereof conveyed to the State of Washington by deed recorded under recording number 8903201373.

Enclosure B

Description and Diagrams of the Site (including the Property)



REFERENCE: 7.5 MINUTE USGS QUADRANGLE BELLEVUE SOUTH, WASHINGTON, DATED 1963 AND PHOTOREVISED 1981



WASHINGTON



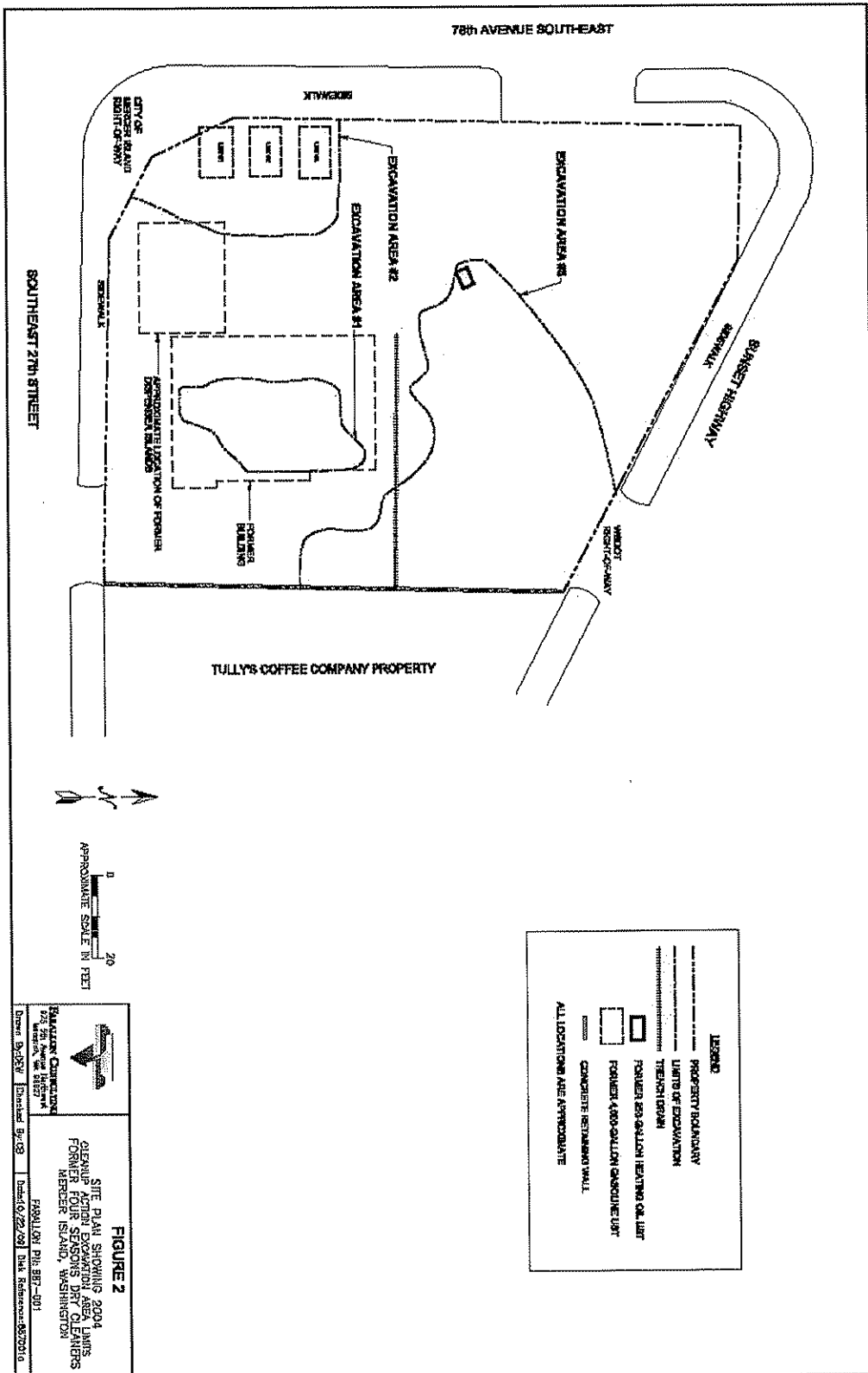
FARALLON CONSULTING
375 8th Avenue Northwest
Burien, WA 98147

FIGURE 1

SITE VICINITY MAP
FORMER FOUR SEASONS DRY CLEANERS
MERCER ISLAND, WASHINGTON

FARALLON PN: 557-001

Drawn By: DEW Checked By: CB Dated: 0/22/08 Disk Reference: 557001a



Former Four Seasons Dry Cleaners



531601015

531610125

70TH AVE SE

533510125

SUNSET WAY

7810
531610125

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COMMENTS: 7800 SE 27th Street
Mercer Island, WA

SE 27th St

0

10 ft

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Date: 12/18/2008

Source: King County GIS - Property Information (<http://www.kingcounty.gov/GIS/MAP/>)



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