STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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January 11, 2016

Mr. Rick Fria
Laconia Development, LLC
1981 North Broadway, Suite 415
Walnut Creek, CA 94596

Re: No Further Action at the following Site:

- **Site Name:** 1214 8th Ave
- **Site Address:** 1214 8th Avenue, Seattle, Washington
- **Facility/Site No.:** 3279158
- **VCP Project No.:** NW2721
- **CSID:** 933

Dear Mr. Fria:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the 1214 8th Ave 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

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 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 it's implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Mr. Rick Fria
January 18, 2016

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:

- Diesel- and oil-range petroleum hydrocarbons into the soil.
- Diesel- and oil range petroleum hydrocarbons into the ground water.

Enclosure A includes a legal description of the Property. **Enclosure B** 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 Property is affected by other sites.

Basis for the Opinion

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

1. R.T. Hicks Consultants, *Voluntary Cleanup Program ERTS #560499, 1214 8TH AVE\Groundwater Monitoring Report,* July 21, 2015.

2. R.T. Hicks Consultants, LTD, *Voluntary Cleanup Program ERTS #560499, 1214 8th AVE, Seattle,* November 29, 2014.

3. R.T. Hicks Consultants, LTD, *Voluntary Cleanup Program ERTS #560499, 1214 8th AVE, Seattle,* August 7, 2014.

4. R.T. Hicks Consultants, LTD, *Voluntary Cleanup Program ERTS #560499, 1214 8th AVE, Seattle,* February 20, 2014.

5. R.T. Hicks Consultants, LTD, *Groundwater Investigation, Monitoring and Remediation Plan for ERTS #560499, 1214 8th AVE, SEATTLE,* May 2013.

6. Middour Consulting, Inc., *Groundwater Control Plan, 802 Seneca Project, Seattle, Washington,* November 14, 2012.

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) 649-7097 or sending an email to: 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

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 that your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure B.**

An abandoned 5,000-gallon heating oil underground storage tank (UST) was discovered in 2006. Diesel-range (TPH-D) and oil-range (TPH-O) petroleum hydrocarbons were detected above the MTCA Method A soil cleanup levels in soil and excavation water samples that were collected adjacent to the UST when the UST was decommissioned in-place in January 2007.

Site characterization was initiated and sufficient soil sampling and analyses were conducted to characterize the lateral and vertical extent of TPH-D and TPH-O contaminated soil. Following completion of the cleanup action (described below), additional soil sampling and analysis were conducted that confirmed that remaining soil was in compliance with applicable MTCA Method A soil cleanup levels.

The results of the four most recent consecutive quarters of ground water sampling were below applicable MTCA Method A ground water cleanup levels for all contaminants of concern.

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 the MTCA.

A Terrestrial Ecological Evaluation exposure analysis was ended per WAC 173-340-7492(2)(a), the total area of soil contamination at the Site was not more than 350 square feet.

a. Cleanup levels.

<u>Soil</u>

The selected cleanup levels for soil are the MTCA Method A Soil Cleanup Levels for diesel- and oil-range petroleum hydrocarbon compounds which are 2,000 milligrams per kilogram, respectively. Ecology concurs with the selected soil cleanup standards.

Ground Water

The selected cleanup levels for ground water are the MTCA Method A Ground Water Cleanup Levels for diesel- and oil-range petroleum hydrocarbon compounds which are 500 micrograms per liter, respectively. Ecology concurs with the selected ground water cleanup standards.

b. Points of compliance.

Soil

The standard point of compliance for soil is throughout the Site.

Ground Water

The standard point of compliance for ground water is throughout the Site from the upper most level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

3. Selection of cleanup action.

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

The selected soil cleanup action consisted of excavating, transporting and disposing of the contaminated soil to a permitted disposal facility.

The selected ground water cleanup action is ground water capture and pumping via an on-site dewatering system (DWS) and permitted discharge to the City of Seattle's stormwater collection and treatment system. The DWS collects ground water from beyond the limits of the impacted ground water (i.e., reversing the hydraulic gradient) within an unknown capture zone and discharges to the City's storm water collection and treatment system.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. The source of soil and ground water contamination has been removed

and the selected cleanup action is protective of human health and the environment. Based on soil and ground water sampling data, the soil and ground water cleanup levels have been met at the standard point of compliance which is throughout the Site and meets the minimum requirements in WAC 173-340-360(2).

Listing of the Site

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

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 Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (NW2721).

Mr. Rick Fria
January 18, 2016

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) 715-5213 or by e-mail at jgue461@ecy.wa.gov.

Sincerely,

John Guenther, LHG
NWRO Toxics Cleanup Program

Enclosure: Description and Diagram of the Site

cc: Randall Hicks, R.T. Hicks Consultants, LTD
Sonia Fernandez, VCP Coordinator, Ecology
Dolores Mitchell, VCP Financial Manager, Ecology (without enclosures)

Enclosure A

Description and Diagram 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 presence of diesel- and oil-range petroleum hydrocarbons (TPH-D and TPH-O) in soil and ground water that were released from a 5,000-gallon heating oil underground storage tank (UST). The Site is located on the 800 block of Seneca Street in Seattle, Washington (Property).

Area and Property Description: The Property is identified by King County parcel number 1978200025 which is approximately 7,200 square feet in size. The Property is occupied by a 32-floor residential apartment/condominium building with commercial businesses on the street level that was constructed in 2013 and 2014. The new building is constructed of steel, concrete and glass and occupies two additional adjacent parcels of land. The Property is bounded by Seneca Street to the west, 8th Street to the south, a five-story commercial building to the east and Freeway Park to the north. Land use surrounding the Site is urban and includes commercial businesses, residential apartments and condominiums.

Property History and Current Use: The Property was originally developed with a six-story residential apartment building (Van Siclen Hotel Apartments later called the Jensonia Apartment House) in 1911. The historic apartments were originally heated with coal but converted to oil at some time during the mid-1900s. It is presumed that the UST was installed at the time the historic apartment building converted to oil heat and was used until the apartment building was abandoned in the late 1990s. The apartment building was demolished in 2004. No other USTs were discovered on the Property during excavation for the new development. The current use of the Property is for the Cielo Apartments which is a residential apartment/condominium building with seven levels of underground parking.

Sources of Contamination: A heating oil UST was discovered beneath the sidewalk on 8th Street near the front door of the former historic apartment building during a Phase 1 Environmental Site Assessment conducted in July 2006. The release was discovered during a subsequent Phase 2 Investigation of the UST in December 2006. The release, which was reported via Ecology's Environmental Report Tracking System (ERTS), was assigned ERTS tracking number 560499.

Additional investigation into the size and condition of the UST was conducted in 2013. The contractor lowered a measuring tape into the tank and discovered that several feet of product were present in the UST. A sample of the product was collected and compared with the chromatogram of the ground water sample collected from SB1. There was correlation between the two samples. The UST was determined to be 5,000 gallons in size and had integrity. The contents of the UST was pumped and disposed of on January 31, 2007. It is presumed that the UST did not leak and that the release is attributable to historical overfilling of the tank or leaking pipe fittings.

Physiographic Setting: The Property is located within the Puget Lowland physiographic province, a broad, low-lying region situated between the Cascade Range to the east and the Olympic Mountains to the west. The Property lies on the west side of Capital Hill between Puget Sound to the west and Lake Washington to the east at an elevation of approximately 273 feet above mean sea level. The topography in the Site vicinity slopes steeply to the northwest.

Surface/Storm Water System: Surface water bodies closest to the Site include Elliot Bay located approximately 3,000 feet to the west and Lake Union located 7,000 feet to the north. In the immediate vicinity of the release, storm water travels south on 8th Street to a storm inlet at Seneca Street, a City of Seattle storm water collection system.

Ecological Setting: The Property and surrounding area are predominantly covered by multi-story residential and commercial buildings, concrete, asphalt and landscaped areas typical of dense urban development. Surfaces within 500 feet of the Site are also predominantly covered with buildings, concrete, asphalt and landscaped areas which are unlikely to attract significant wildlife.

Geology: The Property is mapped as Vashon glacial till (Troost et al., 2005). Fill material was encountered to approximately six to eight feet below ground surface (bgs) in some areas and in the vicinity of the UST. A dense clay was encountered beneath the silty- and sandy-gravel.

Groundwater: Perched groundwater was encountered in an approximately two foot thick layer of glacial till (silty- and sandy-gravel) that is underlain by a dense clay. Additional, laterally discontinuous lenses of groundwater bearing silty- and sandy-gravel were encountered at other locations across the Property during re-development activities. No significant ground water was encountered in any of the geotechnical borings advanced to a maximum exploration depth of 76.5 feet bgs.

Water Supply: Seattle Public Utilities (SPU) provides drinking water to the Property. The Cedar River Watershed and the South Fork Tolt River Watershed in eastern King County are the two sources for potable water supplied by SPU.

Release and Extent of Soil and Groundwater Contamination: Diesel- and oil-range petroleum hydrocarbons (TPH-D and TPH-O) were detected in soil and shallow perched excavation water adjacent to a 5,000-gallon abandoned heating oil UST in December 2006. The UST was decommissioned in-place in December 2008 due to the presence and proximity of underground public utilities. An unknown quantity of heating oil was removed from the UST and it was decommissioned by filling the UST with cement grout. The UST was determined not to be leaking based on visual inspection and because it contained heating oil that had not been used for a number of years. Thus, the source of the TPH in soil and ground water on the Site is presumed to be from historic overfilling of the UST and possibly from leaky piping.

Prior to the in-place decommissioning of the UST, a total of four soil samples were collected from an excavation located adjacent to and around three sides of the UST. One sample each from 80 inches below the ground surface (bgs) from the south, north and west sidewalls and one sample from 100 inches bgs at the bottom of the excavation were collected in December 2006 and January 2007. There was not enough space between the UST and the building foundation that would enable collecting a sample from the east sidewall.

All of the UST excavation soil samples were analyzed by the NWTPH-Dx method. Although the excavated soil and excavation water were obviously impacted by oil, no TPH ranges were detected above the laboratory detection limits in any of the four soil samples collected around the UST.

Additional soil sampling was conducted in December 2006 and January 2007. Because the excavated soil and excavation water were obviously impacted by oil, seven direct push soil borings were advanced at locations west, northwest, north and northeast of the UST, presumably hydraulically down-gradient based on surface topography which slopes steeply to the north-northwest. A total of 20 discrete and composite soil samples were collected from each of the soil borings at various depths ranging from three to 13 feet bgs.

All 20 soil samples were analyzed for TPH and BTEX. No BTEX were detected in any of the soil samples. TPH-D and TPH-O were detected in the soil sample collected from seven and eight feet bgs in boring SB1 at 420 and 720 milligrams per kilogram, respectively. Both of these results are below the MTCA Method A soil cleanup level. Two of the soil samples were analyzed for PAHs. No PAHs were detected above the reporting limit.

Ground water was encountered in four of the seven borings. An approximately two-foot thick perched ground water zone was encountered at about 11 feet bgs approximately 10 feet north of the UST (boring SB1). The perched ground water occurs in silty-sand and gravel, indicative of glacial till, and is underlain by dense blue clay. Considering differences in the ground surface elevation, the perched ground water was encountered at an elevation approximately two feet lower in boring SB5, located approximately 25 feet northwest from boring SB1, indicating a hydraulic gradient toward the northwest.

One ground water sample was collected from each of the four borings where ground water was encountered and analyzed for TPH and BTEX. No BTEX were detected in any of the ground water samples. TPH-D was detected in the ground water sample collected from boring SB1, at 52,000 micrograms per liter. The other ground water samples contained non-detectable levels of petroleum hydrocarbons.

Two ground water monitoring wells (EMW1 and EMW2) were installed in May 2013. Monitoring well EMW1 is located immediately adjacent to and up-gradient (south) of the UST and EMW2 is located approximately 10 feet down-gradient (northwest) of the UST. The inferred pre-development hydraulic gradient has been influenced by the installation and activation of an active dewatering sump (DWS) that was installed later in 2013. The DWS was

constructed near the center of the Property beneath the lowest level of a seven-level underground parking garage. The DWS is hydraulically connected with the shallow perched ground water via drains installed around the perimeter of the foundation and is permitted to discharge to the City of Seattle's storm water collection system. EMW1 was damaged sometime during late 2013 and replaced in-kind with ground water monitoring well EMW1R in June 2014. Monitoring well EMW1R is located approximately at the same location as former monitoring well EMW1 with identical well construction specifications.

Ground water sampling was conducted at monitoring wells EMW1 (and EMW1R), EMW2 and the DWS several times, including four consecutive quarters, since activation of the dewatering system in 2013. All ground water samples were analyzed for TPH-D and TPH-O. The July and November 2013 samples collected from EMW1 and the July sample collected from EMW2 in 2013 exceeded the MTCA Method A ground water cleanup level for TPH-O. The results of all other ground water samples, including those collected in February, July and October 2014 and January and April 2015 were below the MTCA Method A ground water cleanup levels for TPH-D and TPH-O. It should be noted that ground water monitoring well EMW2 was dry during the January and April 2015 sampling events due to the influence of the DWS.

Site Diagram