



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 31, 2016

Mr. Lucas Swart
Terracon Consultants, Inc.
12905 64th Avenue
Mountlake Terrace, WA 98043

Re: No Further Action at a Property associated with a Site:

- **Site:** Queen Anne Properties – Mercer Street
- **Property Address:** 541 Queen Anne Avenue North, Seattle, WA
- **Facility/Site No.:** 46659536
- **VCP Project No.:** NW 3020

Dear Mr. Swart:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of a Property associated with the Queen Anne Properties – Mercer Street 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 parcels in King County, which were affected by the Site and addressed by your cleanup:

- 1990200443
- 1990200455

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:

- Gasoline, diesel, oil, benzene, ethylbenzene, toluene, and xylenes into the soil

These releases have affected more than one parcel of real property, including the parcels 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 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. Preliminary Environmental Assessment (Phase I) – 531 Queen Anne Avenue North – Seattle, Washington by HartCrowser and dated June 1, 2004
2. Contamination Assessment – 513 – 517 Queen Anne Avenue N. – Seattle, Washington by CDM (consultant) and dated February 10, 2006

3. Limited Site Investigation – Proposed CVS Pharmacy CS#71756 – CVS Store #10331 – 527 and 531 Queen Anne Avenue North – Seattle, Washington by Terracon and dated April 17, 2013
4. Supplemental Limited Site Investigation - Proposed CVS Pharmacy CS#71756 – CVS Store #10331 – 527 and 531 Queen Anne Avenue North – Seattle, Washington by Terracon and dated August 25, 2014
5. Remedial Action Report – 22 Mercer Development – Seattle, Washington by Terracon and dated October 22, 2015

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 August of 2004, eight soil borings were installed on the property up to fourteen feet in depth. Groundwater was found in two of the eight borings. Eleven soil samples were analyzed for different combinations of gasoline, diesel, benzene, ethylbenzene, toluene, xylene, volatile organic compounds, semi-volatile organic compounds, and metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, and zinc). The two groundwater samples were analyzed for gasoline, diesel, benzene, ethylbenzene, toluene, xylene, and metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, and zinc). Two soil samples from one boring and one soil sample from a second boring exceeded MTCA Method A standards for gasoline. No exceedances of MTCA Method A standards for diesel or oil were found in any of the soil samples. Two soil samples from one boring exceeded MTCA Method A standards for benzene, ethylbenzene, toluene, and xylene while one soil sample from a second boring exceeded MTCA Method A standard for xylene. One soil sample was analyzed for metals. No exceedances of MTCA Method A standards for metals were found. Both groundwater samples

exceeded the MTCA Method A standard for gasoline. Neither groundwater sample exceeded the MTCA Method A standards for diesel or oil. One groundwater sample exceeded the MTCA Method A standards for benzene, ethylbenzene, toluene, and xylene while the second groundwater sample exceeded the standard for benzene. Both groundwater samples were analyzed for metals. No exceedances of MTCA Method A standards were found.

Between 2008 and 2010, additional soil and groundwater samples were collected. Analysis of these samples showed petroleum impacts up to seventeen feet below surface. These reports were not available for review.

In 2013, twelve soil borings were installed at the site up to twenty – six feet below surface. No groundwater was encountered in any boring. Thirty – five soil samples up to eighteen feet below surface were analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, xylene, and volatile organic compounds. Four soil samples exceeded the MTCA Method A standard for gasoline while three soil samples exceeded the MTCA Method A standard for benzene. One of the benzene exceedances also exceeded the MTCA Method A standards for ethylbenzen, toluene, xylene, and naphthalene. No soil samples exceeded the MTCA Method A standards for diesel or oil. With the exception of one benzene sample (fifteen feet bgs, 0.05 mg/kg), all contaminated soil was found at depths of ten feet or less. No exceedances of MTCA Method A standards for volatile organic compounds were found. A geophysical survey was also done to look for possible underground storage tanks. No underground storage tanks were found.

In July of 2014, seven additional borings were drilled, two borings on the property and five borings in the adjoining rights-of-way. Twenty-one soil samples from three to eighteen feet below surface were analyzed for gasoline, diesel, oil, and volatile organic compounds. Exceedances of the MTCA Method A standard for gasoline were found in three borings, one boring on the property boundary and two borings in the right-of-way. Two borings exceeded the MTCA Method A standard for benzene, both borings in the right-of-way. One boring in the right-of-way had exceedances of the MTCA Method A standard for ethylbenzene and xylene. No exceedances of the MTCA Method A standards for diesel or oil were found. No groundwater was encountered in any of the borings. All exceedances were found at depths of eighteen feet or less, with most at ten feet or less

Three soil vapor probes were also emplaced to evaluate the potential risks from vapor intrusion. Exceedances of screening levels for benzene, 1, 2, 4 – trimethylbenzene, and methylene chloride were found. Evaluated by EPA's Property Assessment Calculation for Indoor Concentration, no exceedances of indoor air cleanup levels were found.

b. Establishment of cleanup standards for the Site.

i. Cleanup Standards

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

Soil

Gasoline – 30 mg/kg

Diesel – 2,000 mg/kg

Oil – 2,000 mg/kg

Benzene – 0.03 mg/kg

Ethylbenzene – 6 mg/kg

Toluene – 7 mg/kg

Xylene 9 mg/kg

ii. Points of Compliance

A standard horizontal point of compliance, the property boundary, was used for soil contamination.

A standard vertical point of compliance, fifteen feet for soils, was established in the soils throughout the site from the ground surface to fifteen feet below the ground surface. Fifteen feet is protective for direct contact with the contaminated soil.

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 and underground storage tanks - excavation of the petroleum-contaminated soil and tanks 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.

d. Cleanup of the Property.

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

In April of 2015, eight shallow excavations, to a depth of five to seven feet, were made in the right-of-way along utility lines. Three soil samples were analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, and xylene. One of the three soil samples, from a depth of five and a half feet, exceeded the MTCA Method A standard for gasoline.

In May of 2015, six shallow excavations, to a depth of five to six feet, were dug on the property. Soil samples from each excavation were screened with a photoionization detector. One test excavation had significant values at depths up to six feet. A second test excavation had strong odors at five and one-half feet.

The entire property was then excavated in stages to between eighteen and twenty-eight feet in depth. Thirteen thousand and eight hundred tons of petroleum-contaminated soil were taken off-site to a permitted thermal recycling plant. Confirmation soil samples were collected during the excavation and analyzed for gasoline, diesel, oil, benzene, ethylbenzene, toluene, and xylene. In the northern (parking lot) area, petroleum-contaminated soil was found at a depth of twelve to fourteen feet, in the central area at the same depth, and in the southern area, from ten to fourteen feet in depth. All confirmation soil samples from the base of the excavation had no detections of petroleum contamination. Confirmation samples from the excavation sidewalls (property boundary) had exceedances of MTCA Method A standards for gasoline, diesel, benzene, ethylbenzene, toluene, and xylene.

During the property excavation, two 1,000 gallon underground storage tanks were discovered. The tanks were excavated and taken off-site for recycling. One of two soil samples from beneath the tanks exceeded the MTCA Method A standard for gasoline. Additional soil was excavated. Five confirmation soil samples from the final tank excavation had no detections of gasoline, diesel, oil, benzene, ethylbenzene, toluene, or xylene.

Based on field observations and sampling, residual petroleum-contaminated soil remains in place at the limits of the excavation in all four of the excavation sidewalls along the property boundary.

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 3020). If you should decide 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 christopher.maurer@ecy.wa.gov.

Sincerely,

Handwritten signature of Christopher Maurer in cursive script.

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: Jerry Kesselring (TVC Queen Anne Company II LLC)
 Matt Alexander (Ecology)
 Lisa Sweitzer (Ecology)

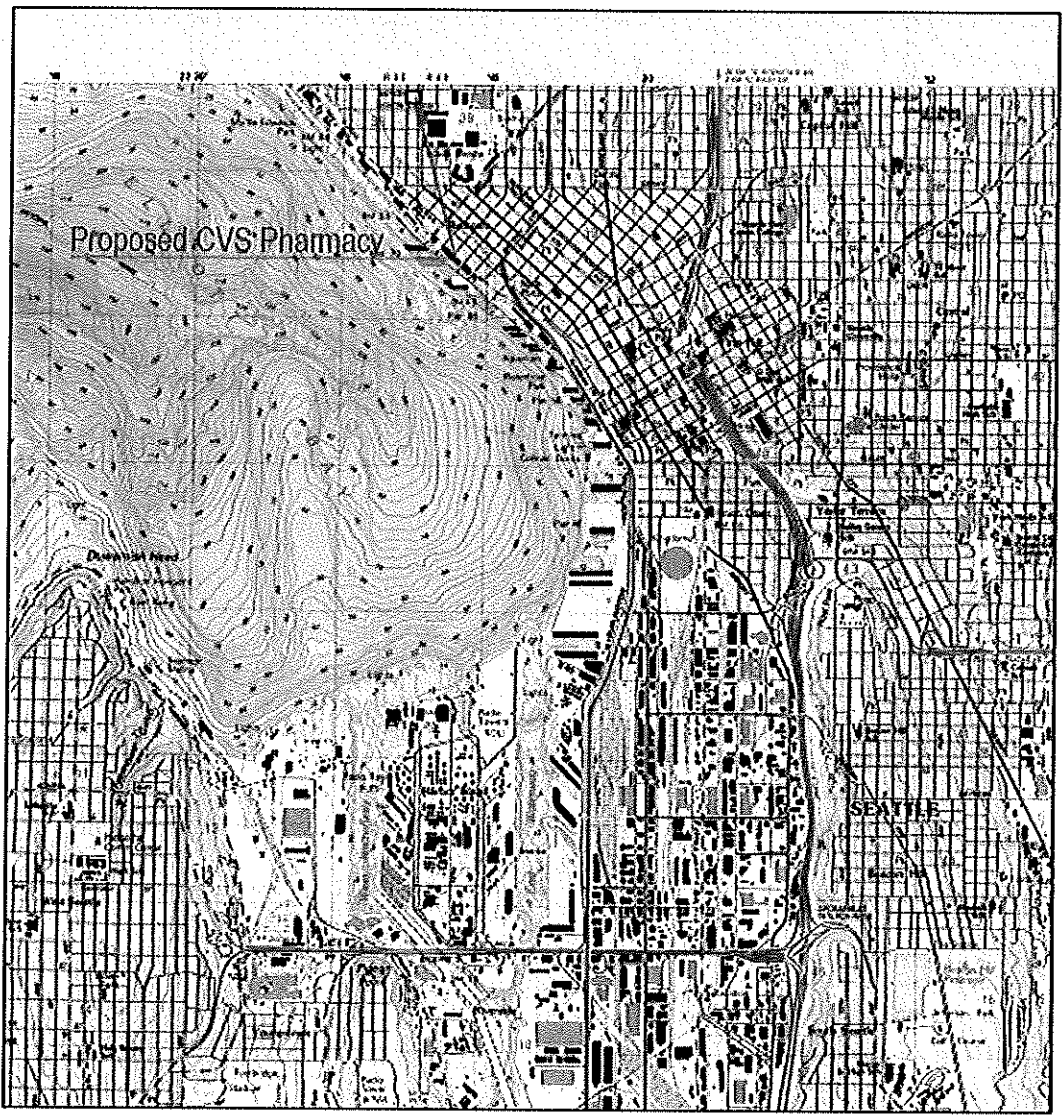
Enclosure A

Legal Description of the Property

LOTS 1 AND 2, BLOCK 23 OF D.T. DENNY'S REPLAT OF BLOCKS 1, 2, 6,
7, 13, 14 AND 23 OF DAVID T. DENNY'S 1ST ADDITION TO NORTH
SEATTLE, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 81,
RECORDS OF KING COUNTY.

Enclosure B

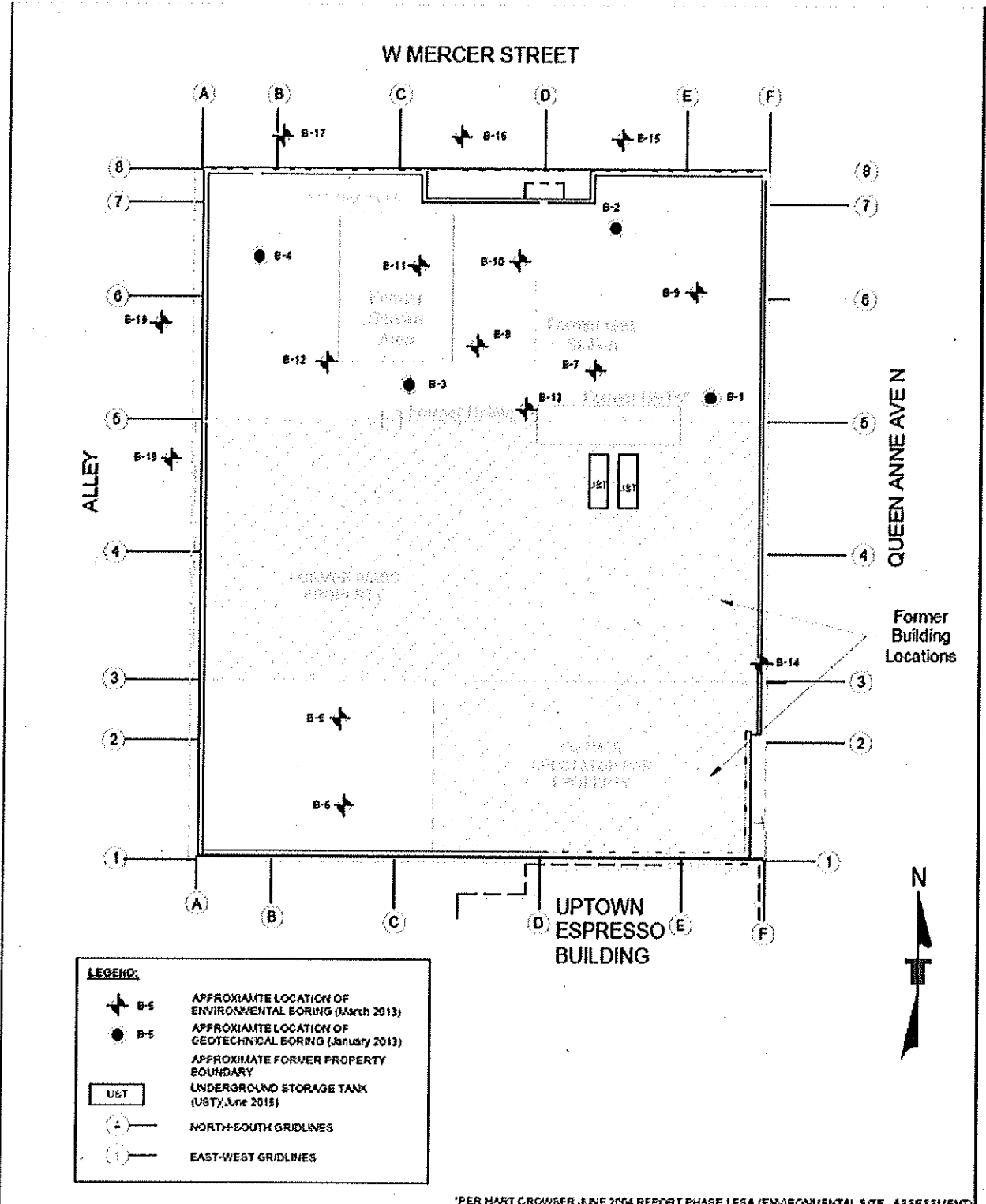
Description and Diagrams of the Site (Including the Property)



LEGEND:
 — SITE BOUNDARY

United States Department of Interior Geologic Survey, Seattle South Quadrangle, Washington 1983

Prepared by: LCS Drawn by: KMA/MS Checked by: LCS Approved by: MYW	Project No: 81127812A Scale: 1:25,000 File No: EXHIBIT 1 Date: OCT 2015	 <small>2130 5th Avenue N, Ste 121, Vancouver, WA 98662 714 501 775-2064 FAX 1425 771-3646</small>	<p align="center">Site Vicinity Map</p> <p align="center">Proposed CVS Pharmacy #71756 Seattle, King County, Washington Prepared For: The Velmeir Companies</p>	<p align="center">EXHIBIT</p> <p align="center">1</p>
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LEGEND:

- ✦ B-5 APPROXIMATE LOCATION OF ENVIRONMENTAL BORING (March 2013)
- B-5 APPROXIMATE LOCATION OF GEOTECHNICAL BORING (January 2013)
- APPROXIMATE FORMER PROPERTY BOUNDARY
- UST UNDERGROUND STORAGE TANK (UST), June 2013
- NORTH-SOUTH GRIDLINES
- EAST-WEST GRIDLINES

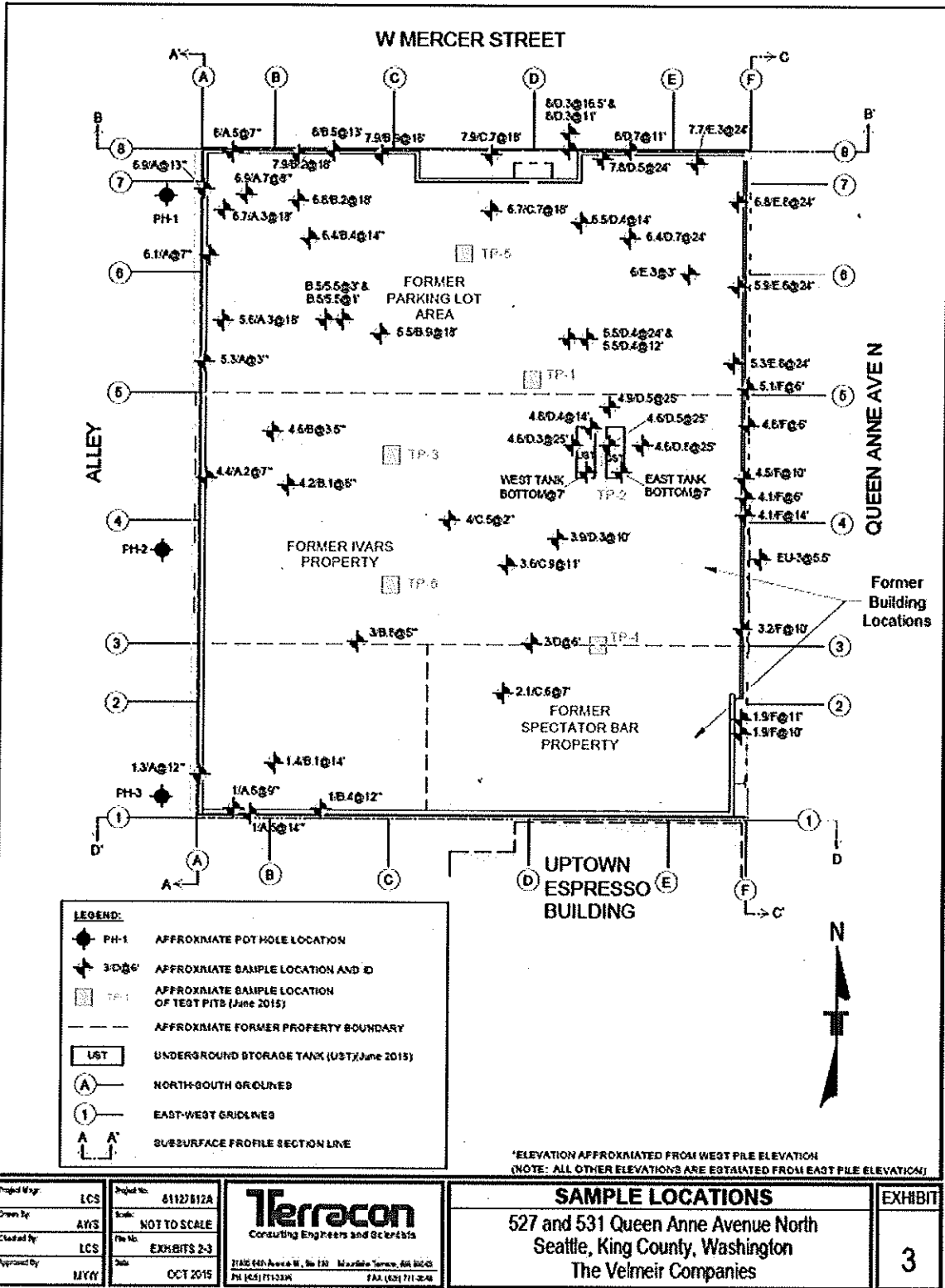
* PER HART CROWSER JUNE 2004 REPORT PHASE I ESA (ENVIRONMENTAL SITE ASSESSMENT)

Project No.	LCS	Project No.	61127612A
Drawn By	AWS	Scale	NOT TO SCALE
Checked By	LCS	Title No.	EXHIBITS 2-3
Approved By	MYW	Date	OCT 2015

Terracon
Consulting Engineers and Scientists

2922 5th Avenue N. (4th Fl.) Microsoft Tower WA 98103
Tel: (206) 771-3344 Fax: (206) 771-8202

HISTORICAL SITE CONFIGURATION PLAN	EXHIBIT
527 and 531 Queen Anne Avenue North Seattle, King County, Washington The Velmeir Companies	
2	



Project No.	LCS	Project No.	81127812A
Drawn By	AKS	Scale	NOT TO SCALE
Checked By	LCS	File No.	EXHIBITS 2-3
Approved By	MSY	Date	OCT 2015

Terracon
 Consulting Engineers and Geoscientists

2140 6th Avenue N, Ste 100 | Marikite Terrace, WA 98005
 PH (206) 771-3334 FAX (206) 771-3348

SAMPLE LOCATIONS 527 and 531 Queen Anne Avenue North Seattle, King County, Washington The Velmer Companies
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EXHIBIT 3

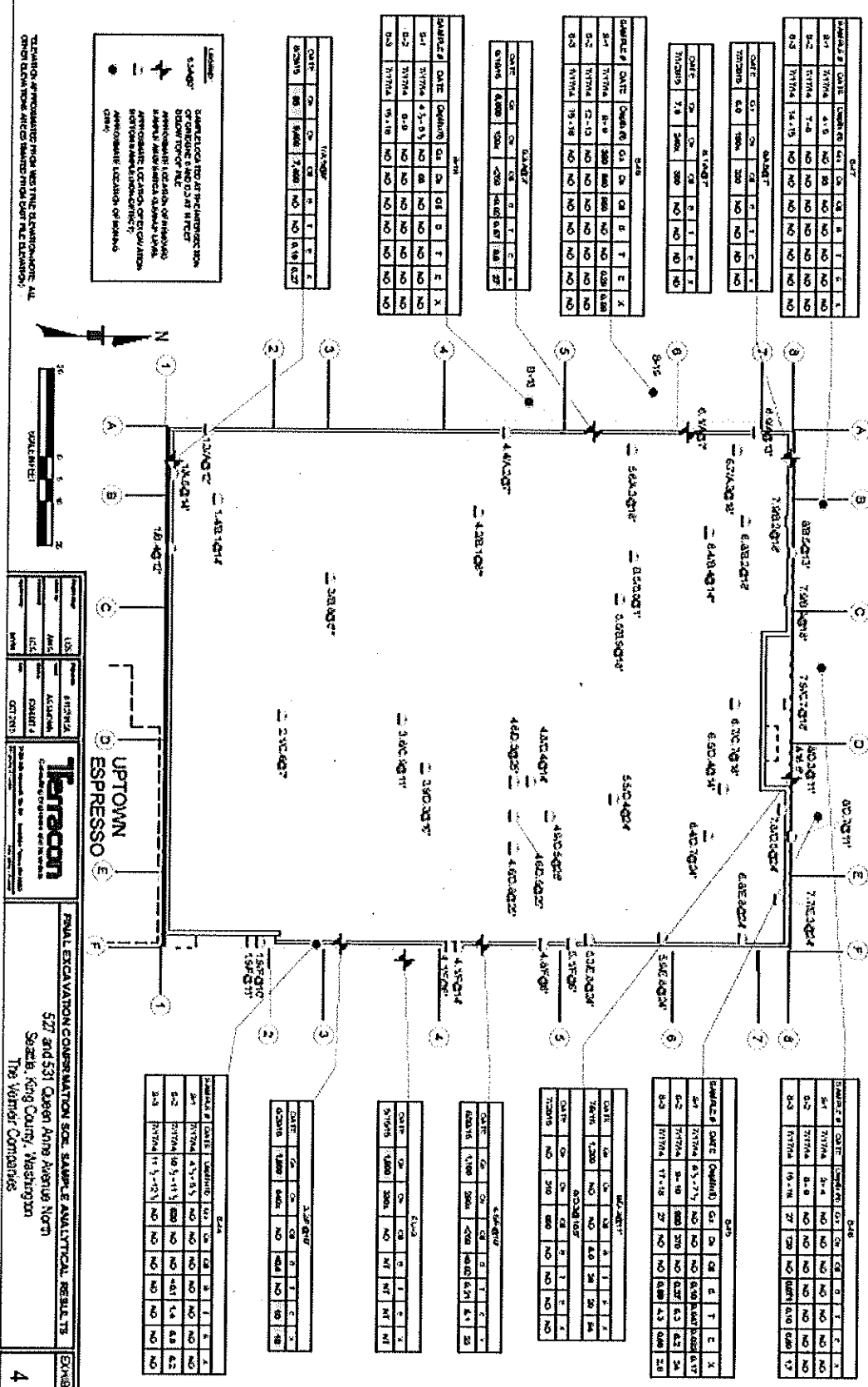


Table 1: B-1

DATE	DEPTH	CO	CR	CS	CT	CU	CV	CT	CU	CV
1/1/19	0-10	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	10-20	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	20-30	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 2: B-2

DATE	DEPTH	CO	CR	CS	CT	CU	CV	CT	CU	CV
1/1/19	0-10	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	10-20	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	20-30	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 3: B-3

DATE	DEPTH	CO	CR	CS	CT	CU	CV	CT	CU	CV
1/1/19	0-10	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	10-20	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	20-30	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 4: B-4

DATE	DEPTH	CO	CR	CS	CT	CU	CV	CT	CU	CV
1/1/19	0-10	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	10-20	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	20-30	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 5: B-5

DATE	DEPTH	CO	CR	CS	CT	CU	CV	CT	CU	CV
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1/1/19	10-20	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	20-30	NO	NO	NO	NO	NO	NO	NO	NO	NO

Table 6: B-6

DATE	DEPTH	CO	CR	CS	CT	CU	CV	CT	CU	CV
1/1/19	0-10	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	10-20	NO	NO	NO	NO	NO	NO	NO	NO	NO
1/1/19	20-30	NO	NO	NO	NO	NO	NO	NO	NO	NO

Legend:

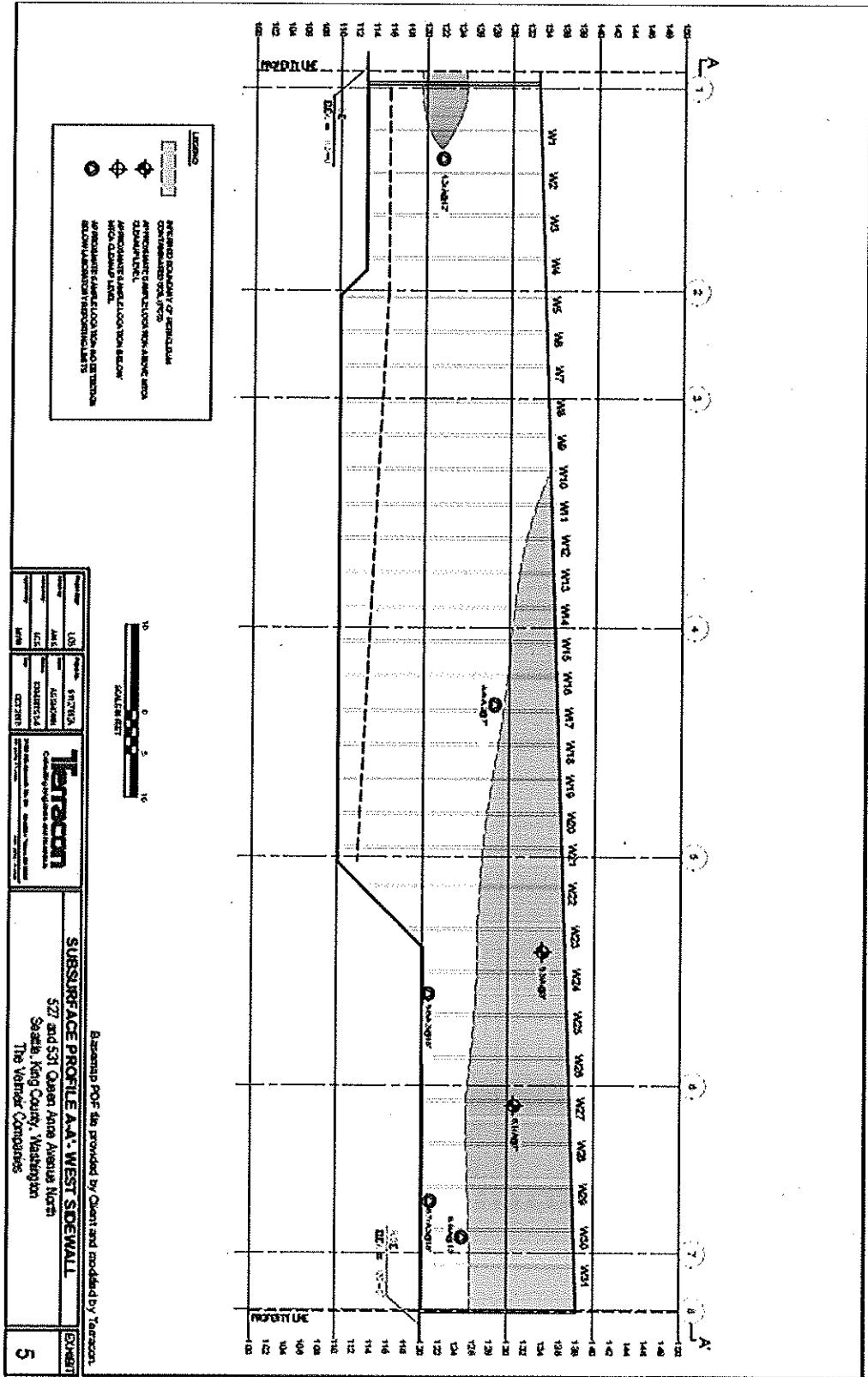
- Symbol: SAMPLE LOCATION (INDICATED BY THE NUMBER AND LETTER)
- Symbol: DATE OF SAMPLE COLLECTION
- Symbol: APPROXIMATE LOCATION OF EXISTING UTILITY
- Symbol: APPROXIMATE LOCATION OF EXISTING FOUNDATION
- Symbol: APPROXIMATE LOCATION OF EXISTING CURB

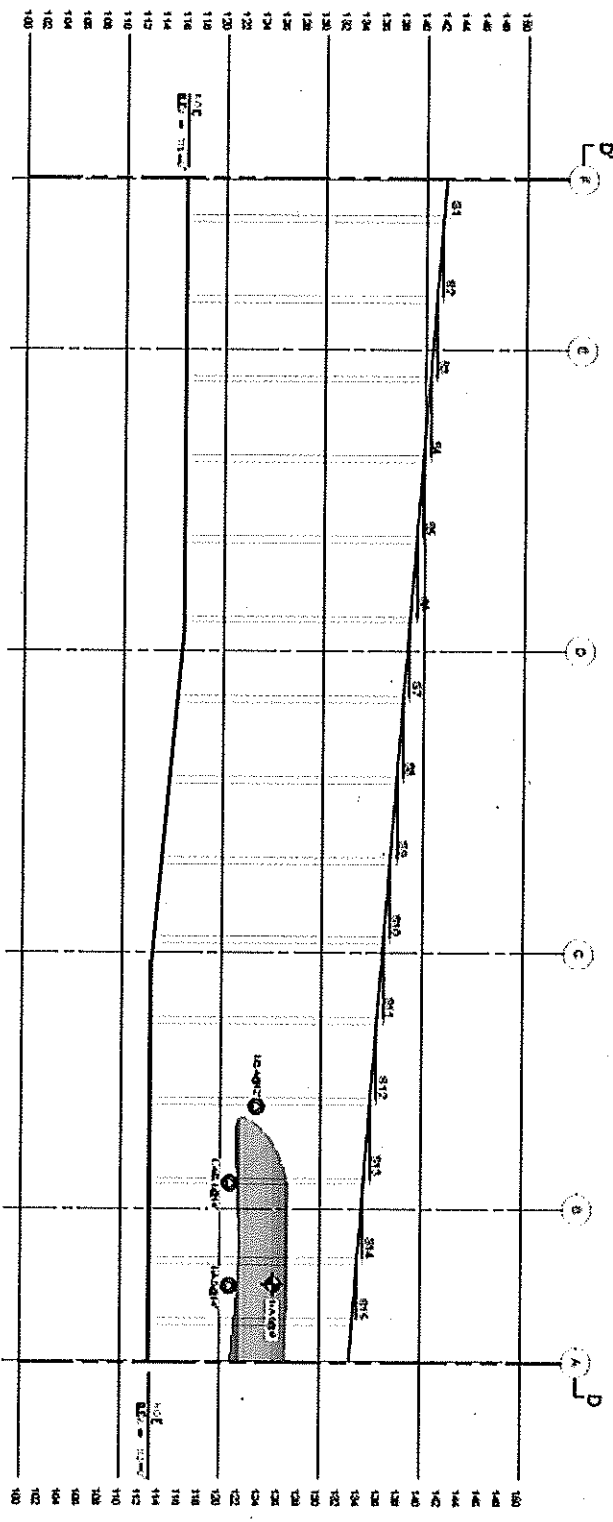
STATUS: APPROVED FOR POSTING EXCAVATION PERMIT
 DATE: 1/1/19



Terracon
 CONSULTING ENGINEERS AND ARCHITECTS
 527 and 531 Queen Anne Avenue North
 Seattle, King County, Washington
 The Verrill Companies

FINAL EXCAVATION CONSTRUCTION SOIL SAMPLE ANALYTICAL RESULTS
 527 and 531 Queen Anne Avenue North
 Seattle, King County, Washington
 The Verrill Companies





LEGEND

- APPROXIMATE SHARPE LOOK TRENCH
- APPROXIMATE SHARPE LOOK TRENCH ABOVE UNCONFORMITY
- APPROXIMATE SHARPE LOOK TRENCH BELOW UNCONFORMITY
- TRENCH



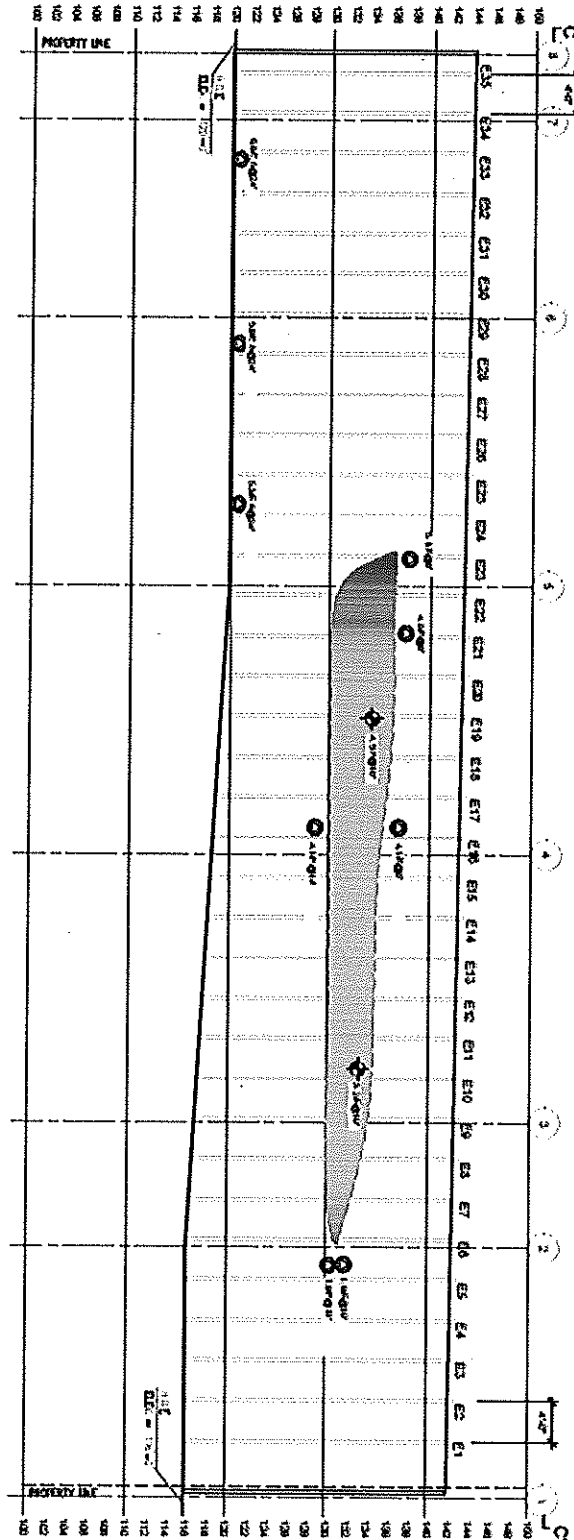
USGS	ALBERTA	PROJECT	577 and 531 Queen Anne Avenue North
AMC	AC-COMM	CLIENT	The Valpar Computer
DATE	DATE	DATE	DATE

Basement POC file provided by Client and modified by Terracon.

TERRACON
 Consulting Engineers & Geoscientists

SUBSURFACE PROFILE D-D - SOUTH SIDEWALK

577 and 531 Queen Anne Avenue North
 Seaside, King County, Washington
 The Valpar Computer



LEGEND:

- ANTHROP GENOLOGY OF KENTLAND
- CONTAMINATED ZONE
- PROPOSED SERVICE LOCATION AREA
- PROPOSED SERVICE LOCATION BELOW
- APPROXIMATE DRAINAGE PATTERNS
- RECONSTRUCTION FOOTPRINTS



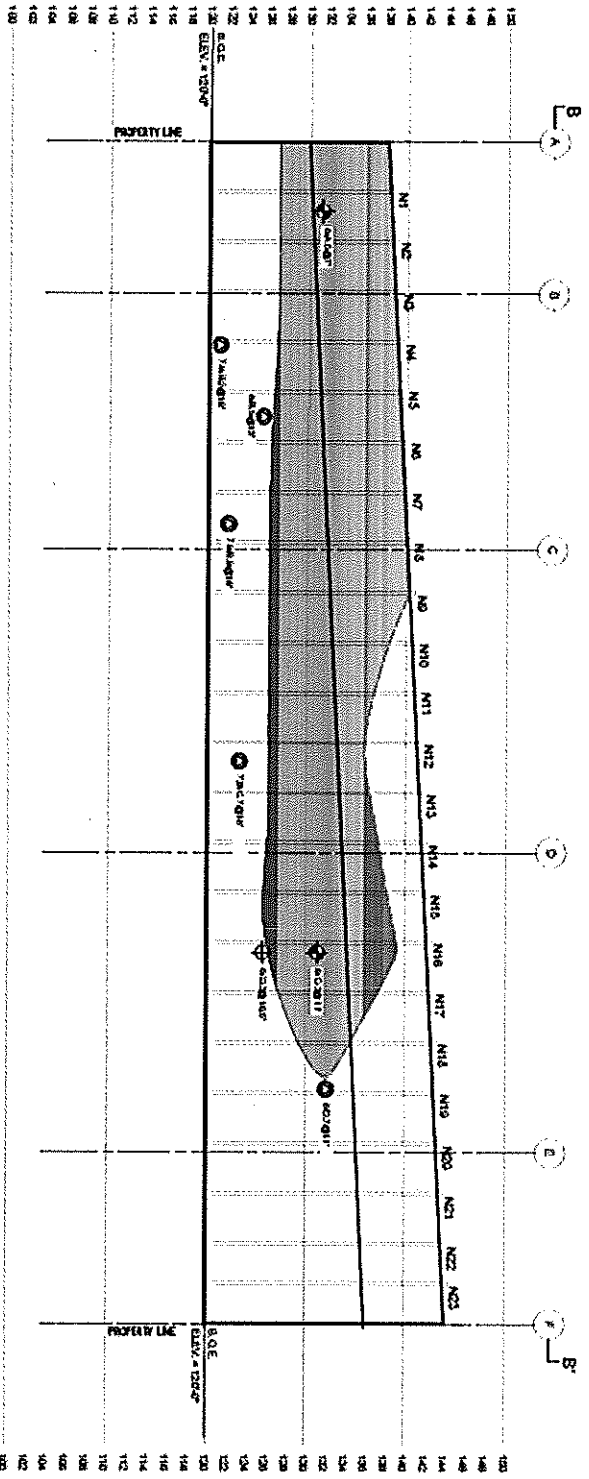
Project No.	158	Project	1512/14
Client	ASACOM	City/County	King County, Washington
Date	10/21/15	Project Name	527 and 531 Queen Anne Avenue North
Drawn By	COLETTA	Project Location	Seattle, King County, Washington
Checked By		Project Status	The Vernal Campaign

Blasemp PDF file provided by Client and modified by Terracon

Terracon
 Construction Software and Services
 10000 1st Avenue, Suite 100
 Seattle, WA 98101

SUBSURFACE PROFILE C.C. - EAST SIDEWALK

7



LEGEND

- PROPOSED BOUNDARY OF RESIDENTIAL CONSOLIDATED DISTRICT
- PROPOSED SANITARY SEWER LINE
- PROPOSED GAS/ELECTRICITY SEWER LINE
- PROPOSED WATER LINE
- PROPOSED STORM DRAINAGE LINE

TERACON
 Geotechnical Engineering and Construction
 571 and 531 Queen Anne Avenue North
 Seattle, King County, Washington
 The Valnor Companies

SUBSURFACE PROFILE B-B' - NORTH SIDEWALK

DATE: 02/19/03

SCALE: 1" = 10'

8