



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 19, 2016

Ricka Gerstmann
Washington Federal
425 Pike Street
Seattle, WA 98101

Re: No Further Action at the following Site:

- **Site Name:** Vino Ristorante Italiano
- **Site Address:** 212 S. 3rd Street, Renton, WA
- **Facility/Site No.:** 4487258
- **Cleanup Site ID.:** 2583
- **VCP Project No.:** NW2955

Dear Ms. Gerstmann:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Vino Ristorante Italiano 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

Is further remedial action 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 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:



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- Diesel-Range Petroleum Hydrocarbons (DRPH) into the Soil and Ground Water.

Enclosure A includes a detailed description and diagrams 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 parcels 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. Department of Ecology, November 17, 2008, Site No Further Action Letter.
2. Kane Environmental Inc., January 28, 2014, Response to Comments, Vino Ristorante Italiano.
3. Kane Environmental Inc., March 13, 2014, Request for Removal of Environmental Covenant.
4. Kane Environmental Inc., January 30, 2015, Remedial Action Report, Petroleum Contaminated Soil.
5. Kane Environmental Inc., April 25, 2015, Supplemental Ground Water Sampling, Vino Ristorante.
6. Fremont Analytical, June 25, 2015, Vino Ristorante Analytical Report.

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 425-649-7235 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 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**.

The Site was initially closed with a No Further Action determination and an Environmental Covenant in 2008. During 2015, additional work was performed to remove the remaining contamination from the Site. The lateral and vertical extent of soil and ground water contamination was determined through confirmation soil and ground water samples during the 2015 soil excavation in borings located in the basement adjacent to the excavation, and in temporary ground water monitoring wells down gradient from the soil contamination.

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.

Contamination in soil and ground water must meet the substantive requirements for Method A cleanup levels for unrestricted land use. The cleanup levels must be met at the point of compliance in both soil and ground water.

Since there is no significant ecological habitat within 500 feet of the Property, the Site qualifies for a Terrestrial Ecological Evaluation exclusion.

The standard point of compliance for direct contact shall be established in the soil throughout the Site. Additionally, the soil cleanup levels must be protective of leaching to ground water.

The standard point of compliance for ground water shall be established throughout the Site from the upper most level of the saturated zone to the 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 cleanup action selected included removal of a grease trap next to the building on the Property and excavation and removal of petroleum-contaminated soil that remained at the Property. This removal constitutes a permanent action under MTCA.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

Cleanup performed in 2007 included removal of a heating oil tank at the Property, excavation of 101 tons of petroleum-contaminated soil, and pumping of 10,700 gallons of ground water. After completion of that work and collection of confirmation samples, a No Further Action letter was issued and an environmental covenant was recorded on the Property to maintain institutional controls on contaminated soil left in the near the grease trap and building.

In 2015, the grease trap and 24.49 tons of petroleum-contaminated soil were removed from the Property. Confirmation soil samples collected from the soil excavation area demonstrated that cleanup levels have been achieved in the soil at the Site. Two ground water samples were retrieved from temporary ground water wells down gradient from the soil contamination. The soil and ground water sample results demonstrate compliance with cleanup levels has been achieved.

Listing of the Site

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

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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.

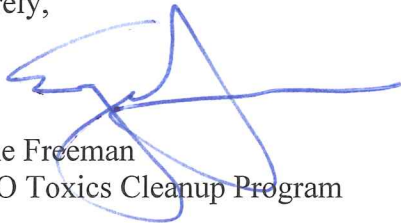
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#NW2955).

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 425-649-7191 or e-mail at eufr461@ecy.wa.gov.

Sincerely,



Eugene Freeman
NWRO Toxics Cleanup Program

Enclosure (1): A – Description, Site Photos, and Diagrams of the Site

cc: Vance Atkins, Kane Environmental Inc.
Sonia Fernandez, VCP Coordinator
Matt Alexander, VCP Financial Manager

Enclosure A

Description and Diagrams of the Site

Site Description

This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinion expressed in the body of the letter.

Site Definition

The former Vino Ristoranti Italiano Restaurant is located at 212 S. 3rd St. in Renton and identified by King County Parcel numbers 0007200115 and 0007200116. Contamination at the Property consisted of diesel range petroleum hydrocarbon from a heating oil tank leak.

Area/Property Description

The Property is located within the City of Renton. The adjacent properties consist of mixed commercial and residential use. The location of the Property and surrounding area is shown in the attached satellite image.

Property History and Current Use

The Property was first developed as a residence in 1936 which was converted into a restaurant. The release at the Property was from a heating oil underground storage tank (UST) located north of the existing building.

Contaminant Source and History

Characterization and cleanup was initiated at the Site in 2007. A release of heating oil tank was determined to have occurred from an underground storage tank at the Property. After excavation, removal of the tank, and petroleum contaminated soil, eight soil borings were drilled to assess the extent of remaining soil contamination. Two soil borings north of the existing building had measured diesel range contamination above the MTCA Method A cleanup level.

In 2013, seven soil borings were drilled in the basement of the building adjacent to the north wall, in the area that contaminated soil samples were collected in 2008. Soil samples collected at 5.5 to 12 feet deep and ground water samples from all borings had no detectable levels of Diesel Range Petroleum Hydrocarbon (DRPH). Consequently, soil and ground water were not expected to be contaminated beneath the building.

In 2015, two borings (KSB-12 and KSB-13) were drilled and temporary wells were installed down gradient of the contaminated soil to confirm that ground water was not impacted by DRPH contamination. No contamination was detected in soil and ground water samples at either location.

Physiographic Setting

The Property is located in the Cedar River Valley physiographic province. The Property is flat at an elevation of about 30 feet above mean sea level.

Ecological Setting

The Property is located in the City of Renton that is comprised of predominantly urban, commercial and residential lots. The attached satellite images shows the location of the Property and surrounding area.

Geology

Soils in the area are alluvial silt and sands to a depth of at least 15 feet. The alluvial sediments are reportedly underlain by glacial till deposits.

Ground water

The ground water flow direction is to the north based on ground water elevations at temporary wells installed in 2007. Depth to water at the Property, measured at temporary ground water wells, is about 8 to 9 feet below the ground surface.

Surface Water

The Green River is located approximately 1,500 feet northeast of the Property. Surface drainage at the Property is collected by the City storm water system.

Water Use/Water Supply

Water delivery to the Property is through the City of Renton water supply system.

Release and Extent of Contamination – Soil

During 2007, the heating oil tank was decommissioned and removed from the Property. Diesel-range petroleum hydrocarbons were present in the soil and ground water at the excavation. In addition to removal of the tank, 101 tons of petroleum-contaminated soil (PCS) were removed.

Sidewall and bottom sampling produced concentrations below Method A at all locations except along the south edge of the excavation near the building and beneath an existing grease trap. Contaminated soil remained because of concerns about building integrity and the presence of the grease trap.

In 2015, the grease trap was removed and 24.49 tons of PCS along the north wall of the building were excavated to a depth of 12 feet. Contaminated soil was removed and transported off-Site. Sidewall and bottom soil samples collected after excavation were below the MTCA Method A cleanup levels for DRPH in soils.

Extent of Contamination – Ground water

During remedial actions performed in 2007, 10,700 gallons of contaminated ground water was pumped from the excavated area. After four consecutive quarters of ground water samples below Method A cleanup levels, an No Further Action with an environmental covenant was issued for the Site in 2008.

The existing environmental covenant was placed on the Property on the basis of soil contamination above MTCA remaining at the north side of the building. The contaminated soil at the north side of the building was excavated in 2015 and soil and ground water

samples were collected beneath the building (8 stations), in the area of contamination (7 stations) and down gradient (3 stations) of the soil contamination.

Based on the remedial activities and sampling results cited above, Ecology has determined that the environmental covenant is no longer needed for this Site and therefore, it may be removed. The Site underwent a delisting procedure that included a public notice and comment period. No comments were received and the Site was subsequently delisted.

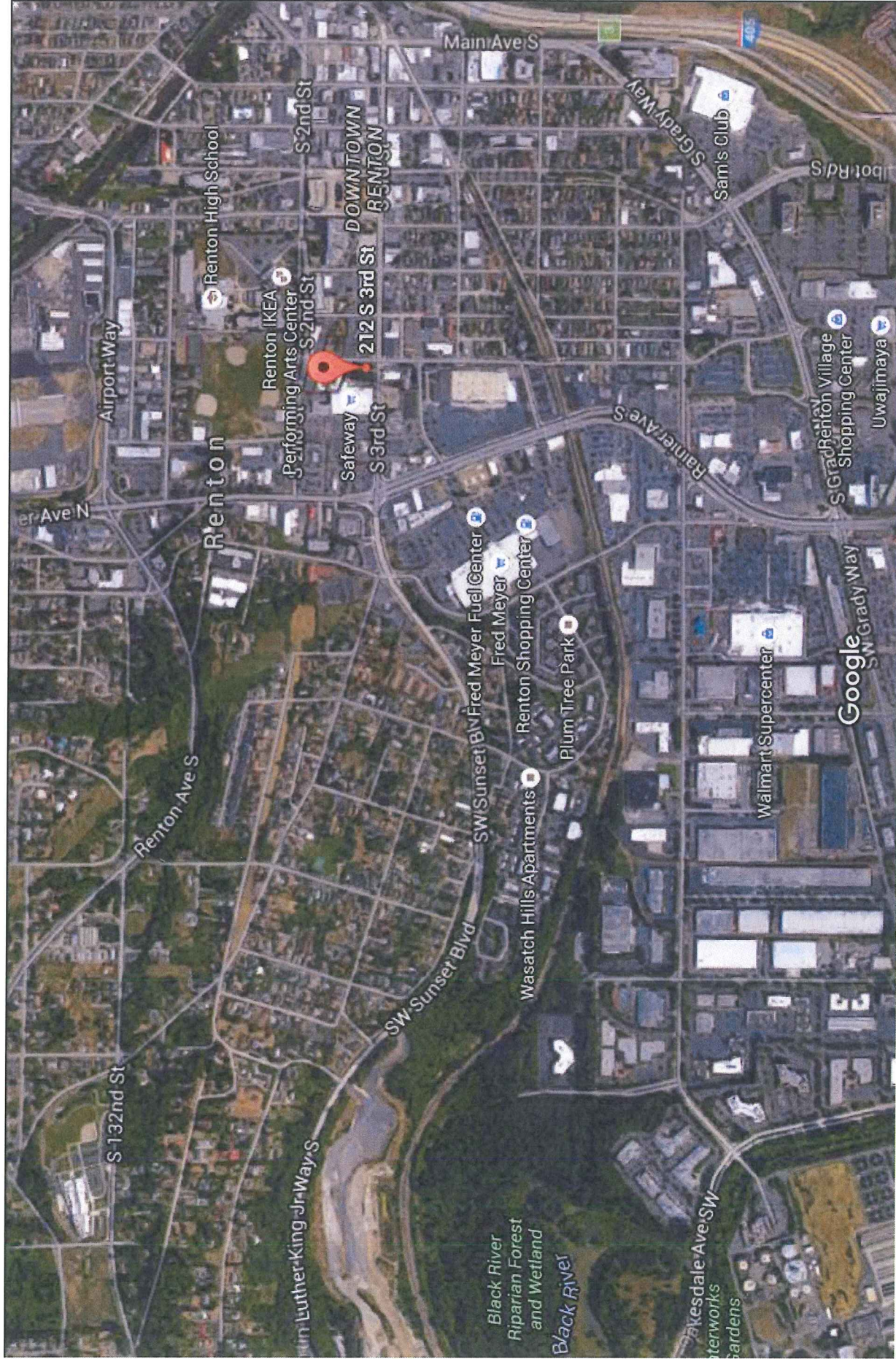
Photo 1. Property viewed from the southwest looking northeast



Photo 2. Property viewed from the north looking south.

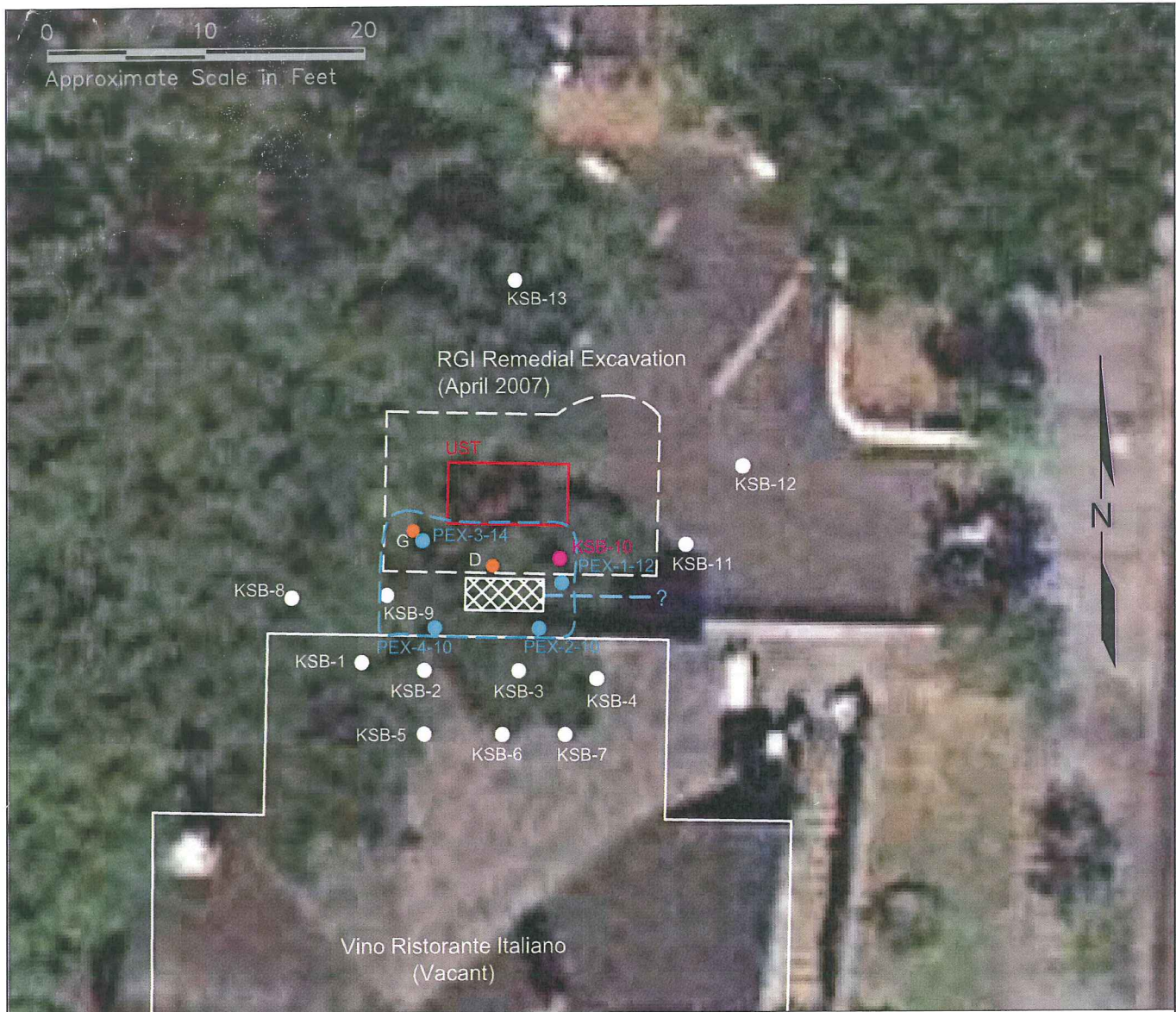


Google Maps 212 S 3rd St



Google Maps

Imagery ©2016 Google, Map data ©2016 Google 1000 ft



<i>LEGEND</i>	
● KSB-1	Approximate locations of Kane Environmental soil borings (2014-15)
● KSB-10	Approximate locations of Kane Environmental soil borings with groundwater diesel concentrations above MTCA Method A Cleanup Level (2014)
● PEX-1	Approximate location of remedial excavation soil sample
□	Approximate extents of 2015 remedial excavation
□	Approximate location of RGI remedial excavation
□	Approximate former location of UST
●	RGI confirmation samples with TPH as diesel detected above MTCA Method A cleanup level in soil (removed 01/15)
▣	Approximate location of grease trap (removed 01/15)
---	Approximate location of side sewer line



Supplemental Groundwater Sampling
 212 S 3rd Street
 Renton, Washington
 Kane Remediation Technologies Project #90001

Figure 2
 Site Plan and Soil Sampling Locations
 (current April 2015)

