



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 26, 2016

Mr. Joe Hicker
King County Admin Building
500 4th Avenue
Room 820
Seattle, WA 98104

Re: Contained-in Determination for Contaminated Soils from the King County Youth Service Center Site in Seattle, Washington (Ecology Cleanup Site: 12668)

Reference: 1. Letter Report from J. Roth, GeoEngineers to B. Maeng, Department of Ecology submitted via electronic mail on June 7, 2016
2. Telephone Conversation with J. Roth, GeoEngineers on June 15, 2016
3. Electronic Mail from J. Roth, GeoEngineers to B. Maeng, Department of Ecology on June 20, 2016

Dear Mr. Hicker:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from your environmental consultant, GeoEngineers for contaminated soils to be excavated during construction activities at the King County Youth Service Center located at 1211 East Alder Street in Seattle, Washington (Reference 1).

Analytical data and the supplemental information for approximately 12,500 tons of contaminated soils were submitted to Ecology (References 1, 2 and 3) to determine if these soils contaminated with listed dangerous waste constituents (F002) may be exempt from management as dangerous wastes per the "Contained-In Policy¹". Ecology understands that these contaminated soils do not designate under federal characteristics (WAC 173-303-090) or State-only criteria (WAC 173-303-100).

Based on the information received and reviewed, Ecology has determined that these soils are contaminated with F002 listed dangerous waste constituents at concentrations that do not warrant management as dangerous wastes, and Ecology will not require disposal of these soils as listed dangerous wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided that all of the following conditions are implemented. This contained-in determination applies only to the contaminated soils, and does not pertain to contaminated water or any mixture of contaminated soils and drilling fluids.

¹ Washington State Department of Ecology Contained-in Policy, dated February 19, 1993



You or your consultant, GeoEngineers shall:

- Ensure that no standing water is present within each of the drums/containers holding the contaminated soils. All water must be removed to the maximum extent possible from each of the drums/containers and managed as F002 dangerous wastes or as otherwise allowed under Chapter 173-303 WAC;
- Directly deliver the soils to a solid waste landfill permitted under WAC 173-351 inside Washington State or permitted under RCRA Subtitle D outside Washington State. Do not consolidate these contaminated soils with other soils that do not pertain to this contained-in determination;
- Dispose of the contaminated soils at the solid waste landfill by December 31, 2017 or within 90 days after excavation. This contained-in determination letter is no longer valid after December 31, 2017, and the contaminated soils must be managed as dangerous wastes after this date unless you request an extension of the soil disposal deadline and Ecology approves this request. During this extended soil excavation and disposal period, Ecology has no control of the construction site including potential migration of contaminated groundwater into the construction site which may result in contamination in capillary zone and saturated zone soils, accidental spill/releases of hazardous chemicals, etc. Therefore, the construction site must be secured by fencing until the soil excavation and disposal is complete, and as agreed by GeoEngineers (Reference 2), during this extended soil excavation and disposal period, additional soil sampling data must be submitted to Ecology to make sure the soil characteristics are still the same as when this contained-in determination was issued. You must update Ecology of the soil excavation and disposal status at least once every 3 months;
- Notify Ecology before disposal of the soil if the amount exceeds the approved amount in this letter. Ecology needs to make sure that the additional soil qualifies for this contained-in determination;
- Provide copies of all signed solid waste landfill receipts or a certificate of disposal issued by the receiving landfill for these contaminated soils to Ecology, attention of Byung Maeng, within 15 days of your receipt. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid;
- Take measures to prevent unauthorized contact with these soils at all times;
- During transport, take adequate measures to prevent spills and dispersion due to wind erosion;
- Provide instructions to the landfill operator that these soils are not to be used for daily, intermediate, or final cover;
- Provide copies of all soil analytical data to the landfill operator, upon request; and
- Do not send these contaminated soils to any incinerator, thermal desorption unit or recycling facility unless that facility is a RCRA Subtitle C permitted dangerous waste TSD facility.

Ecology issued this determination based on the information provided and reviewed to date. This written decision only applies to 12,500 tons of soils to be excavated from the peach color shaded areas indicated in Figure 2 attached to this letter, and does not apply to any other area or other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) and the Ecology Contained-in Policy. This letter is not an Ecology approval for dangerous waste designation or disposal of contaminated soils that may be generated or already excavated from other areas in this property.

This letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Instead, this letter only addresses the procedures for disposal of the contaminated soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC). Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under Ecology Model Toxics Control Act (Chapter 173-340 WAC). Local agencies may have the authority to impose additional requirements on this waste stream.

If you fail to comply with the terms of this letter, Ecology may issue an administrative order and/or penalty as provided by the Revised Code of Washington, Sections 70.105.080 and/or .095 (Hazardous Waste Management Act).

If you have any questions concerning this letter, please feel free to contact me at (425) 649-7253 or bmae461@ecy.wa.gov.

Sincerely,



Byung Maeng, PE
Hazardous Waste and Toxics Reduction Program

Attachment: Figure 2 Estimated PCE Contaminated Soil Extent in Mass Excavation and Utility Trenches

By certified mail: 9171 9690 0935 0106 9638 17

ecc: Jim Roth, GeoEngineers (jroth@geoengineers.com)
Donna Musa, Ecology-TCP
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