



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

January 30, 2008

Mr. Dennis Bortko
Yarrow Bay Yacht Basin & Marina, LLC
5207 Lake Washington Blvd NE
Kirkland, WA 98003

Dear Dennis Bortko:

Re: Opinion under WAC 173-340-515(5) on Proposed Cleanup Action for the following Hazardous Waste Site:

- Name: Yarrow Bay Marina
- Address: 5207 Lake Washington Blvd NE
- Facility/Site No.: 2486
- VCP No.: NW1791

Thank you for submitting documents regarding your proposed cleanup action for the Yarrow Bay Marina facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether your proposed cleanup action is likely to be sufficient to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed cleanup action and, as applicable, any remedial actions previously conducted at the Site:

1. Phase I Environmental Site Assessment, dated September 7th 2006, prepared by Sound Environmental Strategies (SES)
2. Supplemental Subsurface Investigation Report, dated October 20th 2006, prepared by SES
3. Supplemental Subsurface Investigation Report, dated November 13th 2007, prepared by SES
4. Draft Cleanup Action Plan, dated November 8th 2007, prepared by SES
5. Storm Water Pollution Prevention Plan, dated February 2nd 2007, prepared by SES
6. Subsurface Investigation Report, dated August 15th 2006, prepared by SES

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425.649.7239.

The Site is defined by the extent of contamination caused by the following release(s):

- Gasoline & Diesel range petroleum hydrocarbons in Soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of your proposed cleanup action and supporting documentation listed above, **Ecology has determined that the proposed cleanup action is likely to be sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site, with the below listed considerations:**

- In **Section 5.0 Cleanup Action Components**, an additional bullet should be added; **“Upon completion of the uplands remediation, confirmational sediment sampling will be performed”**.
- In **Section 5.5 Cleanup Action Monitoring**, an additional sub-section should be added; **“Confirmational Sediment Sampling”**, with details of sampling plan.

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Please also note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at 425.649.4446.

Sincerely,



Dale R. Myers
NWRO Toxics Cleanup Program

dm:kp

Enclosures: 1