



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 3, 2010

Dennis & Trina Bortko
Yarrow Bay Yacht Basin and Marina
5207 Lake Washington Boulevard, NE
Kirkland, WA 98003

Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Investigation for the following Hazardous Waste Site:

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

Dear: Dennis & Trina Bortko

Thank you for submitting documents regarding your remedial investigation for the Yarrow Bay Marina Sediments (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 a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Carcinogenic polyaromatic hydrocarbons (cPAH) into the Soil.

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 remedial action(s):



1. Subsurface Investigation Report, dated August 15th 2006, prepared by Sound Environmental Strategies (SES)
2. Subsurface Investigation Report, dated August 15th 2006, prepared by SES
3. Phase I Environmental Site Assessment, dated September 7th 2006, prepared by
4. Supplemental Subsurface Investigation Report, dated October 20th 2006, prepared by SES
5. Storm Water Pollution Prevention Plan, dated February 2nd 2007, prepared by SES
6. Draft Cleanup Action Plan, dated November 8th 2007, prepared by Farallon Consulting LLC (Farallon)
7. Supplemental Subsurface Investigation Report, dated November 13th 2007, prepared by SES
8. Cleanup Action Plan, dated February 5th 2008, prepared by Farallon
9. Closure Report Yarrow Bay Marine, dated January 8th 2010, prepared by Farallon
10. cPAH Investigation Analytical Data Yarrow Bay Marina, dated October 21st 2010, prepared by On Site Environmental and submitted by Farallon

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 range (tph-g) and diesel range (tph-d) petroleum hydrocarbons into the Soil, Ground Water, and Surface Water,
- Suspected Gasoline range (tph-g) and diesel range (tph-d) petroleum hydrocarbons into the Sediment,
- Carcinogenic polyaromatic hydrocarbons (cPAH) into the 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 supporting documentation listed above, pursuant to requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site, Ecology has determined:

- Ecology has determined that the remedial investigation performed by Farallon in October 2010 has demonstrated that the cPAH contamination found during excavation activities has been sufficiently addressed and no is longer an issue at the Yarrow Bay Marina Site.
- Sediment sampling will continue annually for a total of two years.
- Quarterly groundwater monitoring will continue until two annual sediment sampling events are complete.
- Upon completion of sediment sampling a stand along Remedial Investigation and Feasibility Study with a Disproportionate Cost Analysis should be presented to Ecology for review for the remaining tph contamination located along the bulkhead separating the marina and Lake Washington.

This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please 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.

Dennis & Trina Bortko
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Sincerely,



Dale Myers
Site Manager
NWRO Toxics Cleanup Program

dm/kh

Enclosures: 1

cc: Mr. Dan Caputo
Farallon Consulting
975 5th Avenue NW
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6347 Seaview Avenue NW
Seattle, Washington 98107

