STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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September 29, 2017

Mr. Matt Herron
412 NW 65th Street LLC
520 Pike Street, Suite 1505
Seattle, WA 98101

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

- **Name:** Public House Restaurant
- **Address:** 412, 416, 418 NW 65th Street, Seattle, WA 98117
- **Facility/Site No.:** 21542
- **VCP No.:** NW3109
- **Cleanup Site ID No.:** 13188

Dear Mr. Herron:

Thank you for submitting documents regarding your remedial actions for the Public House Restaurant 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 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 releases at the Site:

- Total gasoline-range petroleum hydrocarbons (TPHg) and xylenes in 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 actions:

1. Aerotech Environmental Consulting Inc. (Aerotech), *Phase I Environmental Assessment*, December 29, 2015.

2. Aerotech, *Phase II Limited and Targeted Subsurface Investigation*, February 2, 2016.

3. Aerotech, *Remedial Excavation Report*, March 28, 2016.

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 425-649-7235 or sending an email to: nwro_public_request@ecy.wa.gov.

The Site is defined by the extent of contamination caused by the following releases:

- TPHg and xylenes 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 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 releases at the Site, Ecology has determined:**

- For Ecology to issue a Site No Further Action (NFA) determination, an evaluation of potential TPHg contamination in Site ground water is necessary. At least two monitoring wells southwest of and one monitoring well northeast of the former fuel conveyance system are needed to evaluate the presumed down-gradient and up-gradient ground water conditions, respectively. A minimum of four consecutive quarters of ground water monitoring data below the MTCA cleanup levels is necessary to demonstrate compliance.

- Ecology requires a comprehensive Remedial Investigation (RI) report before issuing a NFA determination. Ecology's recommended RI report format consolidates all pertinent Site historical information, collective soil and ground

water data, completed Site cleanup data, and appropriate Conceptual Site Model. See the following Ecology web page for the recommended RI report format and content requirements: http://www.ecy.wa.gov/programs/tcp/policies/checklists. At a minimum, additional figures should be provided that are produced in a clear and readable manner with the following information:

- Site boundary, Property boundary, former and current Site facilities, soil excavation limits, all soil and ground water sampling locations, sample depths and concentrations for each petroleum range or detection limit if not detected (color coding can be used to indicate contaminant concentrations that are above cleanup levels).

- Cross-section(s) with Site geologic and hydrogeologic information, excavation limits, soil borings and monitoring wells construction details, soil and ground water sampling locations, sampling depths, and analytical results.

- Recent ground water monitoring results and ground water flow directions (a Rose Diagram can be used to present all ground water flow directions and gradients).

- The Site may qualify for use of a Model Remedy for the cleanup. If use of a Model Remedy is appropriate for the Site cleanup, preparation of a feasibility study and disproportionate cost analysis is not required.

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 425-649-7109 or jing.song@ecy.wa.gov.

Sincerely,

Jing Song
Site Manager
NWRO Toxics Cleanup Program

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

cc: Alan Blotch, Aerotech Environmental Consulting, Inc.
Sonia Fernandez, VCP Coordinator, Ecology

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 opinions expressed in the body of the letter.

Site: The Site is defined by TPHg and xylenes released to soil. The Site consists of a King County parcel number 2877101675, which covers 0.23 acres of a rectangular-shaped land (Property). The Property is located on the northeastern corner of the intersection of NW 65th Street and Fifth Avenue NW, with a historic address range of 412 through 418 NW 65th Street in Seattle, Washington (Figure 1).

Area and Property Description: The Property is located within a mixed commercial and residential area. The Property is bounded to the north by a multi-family dwelling with a single family residential area, to the south by NW 65th Street with a restaurant and two retail stores, to the east by a multi-family dwelling with 4th Avenue NW, and to the west by Fifth Avenue NW with a single family house and a commercial building occupied by retail stores and restaurants. Aurora Avenue North (State Highway 99) is approximately 0.7 miles east of the Property.

The Property is developed with one building on the southwestern portion that is currently occupied by the 418 Public House Restaurant, with a gravel parking lot east and north of the building. The building has a main entrance to the southwest, kitchens to the north and a large game room to the east. An outdoor dining and storage area is situated atop an 8-foot wide concrete sidewalk located along the east wall of the building. A 3-foot high concrete retaining wall is located along the eastern Property boundary.

An approximately 800-square foot remnant foundation and concrete pad associated with a former building is present on the northeastern corner of the Property. A garage type door, measuring approximately ten feet in width, appears to have been present near the center of the south wall of the former building, and a 3-inch diameter riser, apparently associated with the sanitary sewer system, is visible at the southwestern corner of the foundation remnant.

Site History and Current Use: The Property was first developed in 1924 when an 800-square foot building was constructed on the northeastern portion of the Property. A second 3,408-square foot single-story building was constructed on the southwestern portion of the Property in 1925.

The 800-square foot building was first developed as a gasoline service station with a historic street address of 412 NW 65th Street. The business name became the White Rock Gasoline and Oil Service Station around 1930, and to Leanderson and Pascoe Service Station around 1935. Historic aerial photographs suggest the former presence of a fuel dispenser island(s) on the southeastern portion of the Property, south of the 800-square foot building. The service station appears to have closed some time before 1943 at the beginning of World War II, perhaps due to the initiation of fuel rationing programs. After the war, the building was occupied as a residential dwelling between 1945 and 1970. In 1970, the building was demolished; the foundation remnant is still present on the Property. It is unknown if or when the subsurface

facilities associated with the former service station including any underground storage tanks (USTs) and related piping were removed from the Property. However, during a ground penetrating radar survey conducted at the Site in January 2015, no evidence of the presence of USTs was found.

The 3,408-square foot building was initially used for two retail stores and two apartment buildings with a historic street address range of 416 through 418 NW 65th Street. This building was later occupied by a variety of businesses, including a plumbing and heating contractor and several restaurants and taverns. The current use of the Property is the 418 Public House Restaurant with a current street address of 418 NW 65th Street.

Sources of Contamination: Gasoline-range petroleum hydrocarbon releases to soil were discovered in 2016 during a limited Phase II subsurface investigation. The sources of the contamination are likely the former fuel conveyance system remnants associated with the former service station that operated on the eastern portion of the Site from mid-1920s to mid-1930s. The exact timing of the release occurrence is unknown.

Physiographic Setting: The Site lies along the western slopes of Phinney Ridge, a north-south orientated glacially-formed ridge between Puget Sound and Green Lake. The Site is situated at an elevation of approximately 175 feet above mean sea level. The land surface in the vicinity of the Site slopes gently to the southwest towards Salmon Bay, a widened portion of Lake Washington Ship Canal.

Surface/Storm Water System: Nearby surface water bodies include Green Lake located approximately 0.7 miles east of the Site, and Salmon Bay located approximately 1.3 miles southwest of the Site. The storm water and sewer for the Property are connected to municipal facilities along NW 65th Street located to the south. Drinking water for the area is supplied by the City of Seattle, which is sourced primarily from two watersheds including the Cedar River watershed approximately 35 miles southeast of Seattle and the Tolt River watershed approximately 30 miles east of Seattle.

Ecological Setting: The Property and adjacent properties immediately to the south and west are zoned for commercial use. The adjacent properties immediately to the north and east are zoned for residential use. Land surfaces on the Property and adjacent properties are primarily covered by buildings and asphalt or concrete pavement.

Geology: The Site is underlain by the Quaternary-aged Vashon glacial till, with a veneer or channelized deposits of Quaternary Vashon recessional outwash deposits outcropping to the east. The till commonly drapes the upland ridges of the Puget Sound Lowlands, and is commonly distinguished by its high density and the presence of a significant fraction of fine-grained soils. The Vashon till is commonly underlain by Vashon advance outwash, a glacial drift deposit dominated by well-sorted sand and gravel deposited in pro-glacial rivers and streams. Soil borings advanced at the Site indicate the Site is underlain by one to three feet of sand and gravel fill followed by very dense Vashon till to the total explored depth of 12.5 feet below ground surface (bgs).

Ground Water: Ground water has reportedly not been encountered to the total explored depth of 12.5 feet bgs at the Site. However, although not documented in a report, the analytical results of a "pit water" sample, which appears to be a grab ground water sample collected on March 3, 2016 from the Site, are available in Ecology's *Environmental Information Management* database. The water sample contained concentrations of TPHg at 16,000 micrograms per liter (µg/L) and benzene at 140 µg/L, both above the MTCA Method A ground water cleanup levels. Although a grab ground water sample is not considered representative of the Site ground water conditions, it is an indication that Site ground water may be present at shallow depths and in contact with the impacted soils. In addition, the ground water data from nearby properties suggest ground water is likely present at shallow depths at the Site. Site ground water is expected to flow to the southwest based on the ground water monitoring data from nearby properties and regional topography. At least two ground water monitoring wells down-gradient (southwest) and one monitoring well up-gradient (northeast) of the known on-Site source (former fuel conveyance system remnants) are needed to evaluate Site ground water conditions.

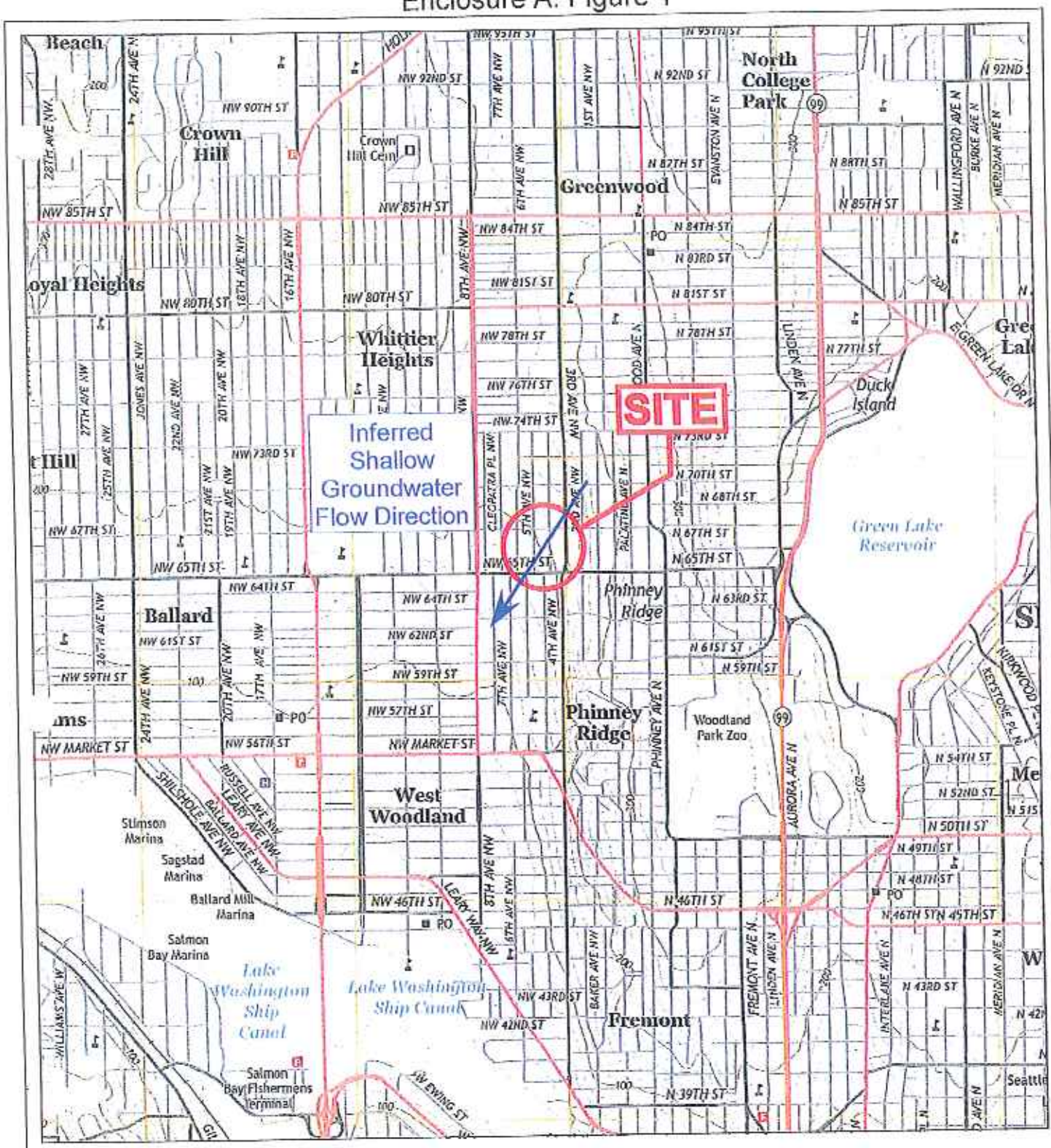
Release and Extent of Contamination: Petroleum hydrocarbon releases to soil were initially confirmed in January 2016 during a limited Phase II investigation. Seven soil borings (B-1 through B-7) were advanced on the eastern portion of the Site in the vicinity of the former service station facilities. TPHg (mineral spirits and Stoddard solvents) and/or xylenes concentrations were detected above the MTCA Method A soil cleanup levels in soil samples collected at 3 feet bgs from boring B-2, and 5.5 feet bgs from boring B-3. Both borings B-2 and B-3 were located on the southeastern portion of the Site. Locations of the soil borings are depicted on Figure 2 of the Site Diagrams.

Remedial excavations were conducted in March 2016 in the vicinity of soil borings B-2 and B-3. The first excavation was in the vicinity of soil boring B-3 and was approximately 240 square feet in area to total depths ranging from 7 to 11 feet bgs. Former fuel conveyance system remnants including piping were discovered in the center of the excavation at a depth of approximately 3 feet bgs. The piping extended in a southeasterly direction towards the second excavation in the vicinity of soil boring B-2. The second excavation was approximately 120 square feet in area to a total depth of approximately 6 feet bgs. A former dispenser island was uncovered in the north end of the excavation and was subsequently removed. A trench was also excavated to a total depth of approximately 3 feet bgs between the two excavations for the piping removal. A total of 26 soil samples were collected from the bottoms and sidewalls of the excavations. All soil confirmation samples collected from the final excavation limits contained concentrations of petroleum hydrocarbon constituents below the MTCA Method A soil cleanup levels. Approximately 105.4 tons of soils were removed from the excavations along with former fuel conveyance system remnants. All known petroleum hydrocarbon-impacted soils were removed from the Site. The excavation limits and all soil sampling locations are depicted on Figure 3 of the Site Diagrams.

Ground water at the Site has not been evaluated.

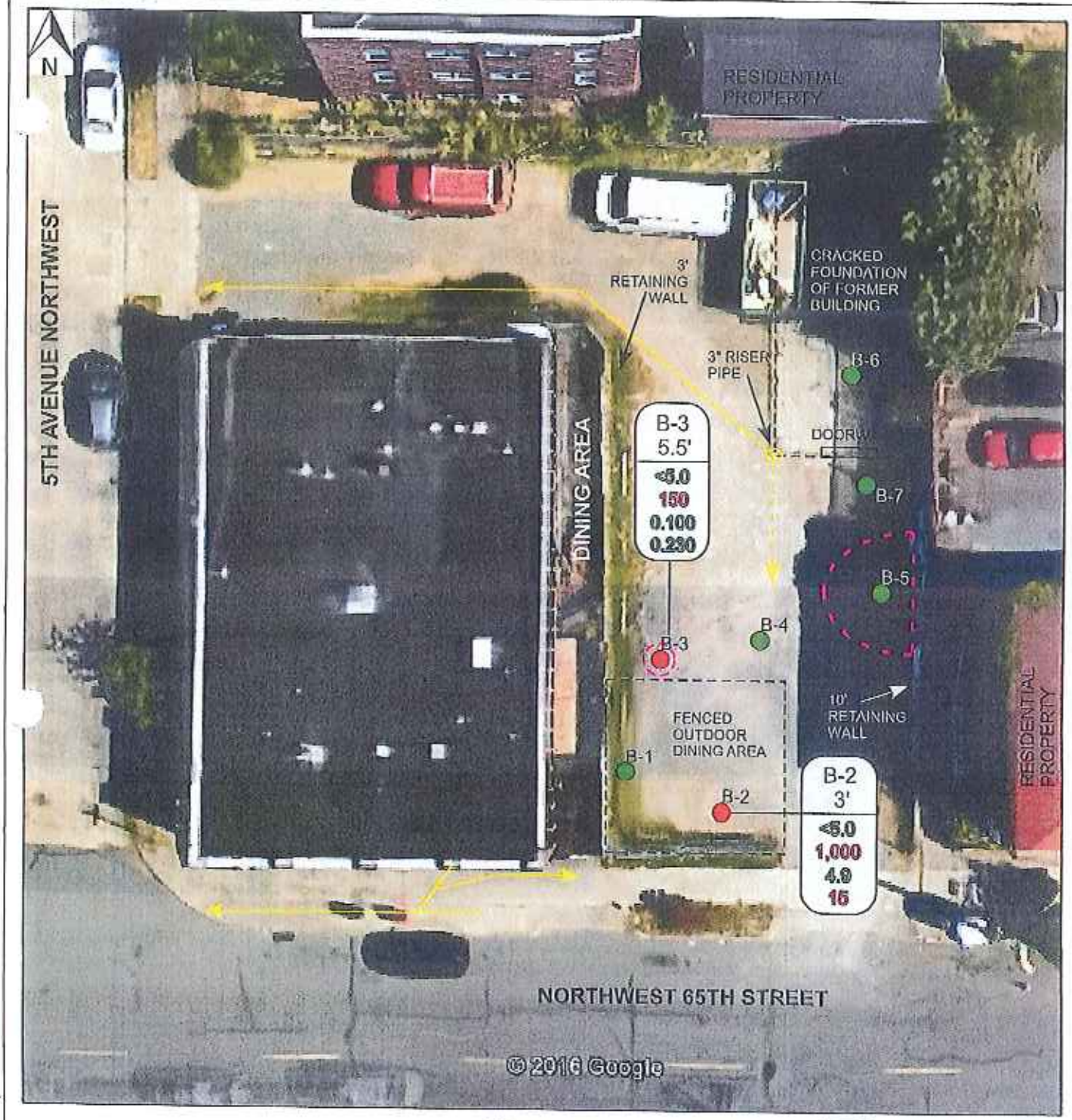
Site Diagrams

Enclosure A: Figure 1



AEROTECH ENVIRONMENTAL CONSULTING	**U.S. GEOLOGICAL SURVEY TOPOGRAPHIC MAP**	412 NW 65th St., LLC 412 Northwest 65th Street Seattle, Washington	Date: 03/25/16 By: Nick Gorkin Drawing: 1

Enclosure A: Figure 2



0 20 40

SCALE (feet)

Green numbers and symbols indicate concentrations below the MTCA Method A Cleanup Levels

Red numbers and symbols indicate concentrations above the MTCA Method A Cleanup Levels

EXPLANATION

B-7 Soil Boring Location

Radar Anomaly

Sewer Piping

B-2 3' Soil Boring ID, Sample Depth

<5.0 Gasoline

1,000 Mineral Spirits/Stoddard Range Organics Concentration in mg/kg

4.9 Ethylbenzene

15 Xylenes

All other tested constituents were not detected at or below the MTCA Method A Cleanup Levels.

AEROTECH ENVIRONMENTAL CONSULTING

SOIL ANALYTICAL RESULTS MAP

412 NW 65th St., LLC
412 Northwest 65th Street
Seattle, Washington

Date: 02/02/16
By: Nick Gorkin
Drawing: 3

Enclosure A: Figure 3

EXPLANATION

0 10 20

SCALE (feet)

- Excavation Sampling Location
- Former Pump Island Pad
- Former Conveyance System Piping
- Excavation Extents

Green numbers and symbols indicate concentrations below the MTCA Method A Cleanup Levels

Red numbers and symbols indicate concentrations above the MTCA Method A Cleanup Levels

* – Soil from which this sample originated was removed during the Remedial Excavation.

The number in parentheses indicates depth in feet below ground surface.

All other tested constituents from sampled soil left in place were not detected at or above the MTCA Method A Cleanup Levels.

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EXCAVATION ANALYTICAL RESULTS MAP

412 NW 65th St., LLC
412 Northwest 65th Street
Seattle, Washington

Date: 03/25/16
By: Nick Gerkin
Drawing: 3