



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 23, 2018

Mike Mitchell
1300 Dexter Avenue North
Seattle, WA 98108

Re: No Further Action at the following Site:

- **Site Name:** PEMCO Parking Concrete Cutter
- **Site Address:** 300 – 330 Yale Avenue North, Seattle, WA
- **Facility/Site No.:** 92673819
- **VCP Project No.:** NW3082

Dear Mr. Mitchell:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the PEMCO Parking Concrete Cutter 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:

- Gasoline and diesel into the soil

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note that this site contains three related contaminated sites: PEMCO Financial Center – ethylene glycol spill (CSID 10168), PEMCO Insurance (CSID 12086) and PEMCO Parking – Concrete Cutter (CSID 11077). CSID 10168 was issued a no-further-action opinion letter by Ecology January 11, 2012 and CSID 12086 was issued a no-further-action opinion letter by Ecology March 20, 2013. This opinion does not apply to any contamination associated with CSIDs 10168 and 12086.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Soil Gas Survey – Pemco Insurance – Parking Garage – Seattle, Washington by Burlington Environmental and dated January, 1993
2. Soil Remediation Report – Pemco Insurance Company – Yale Street Parking Garage by Northwest Industrial Hygiene and dated February 22, 1993
3. Pemco Eastlake - Cleanup Action Report – 1992 Fuel Line Release by Floyd/Snider and dated June 3, 2016
4. Pemco Eastlake – Remedial Investigation and Cleanup Action Report – 1992 Fuel Line Release by Floyd/Snider and dated May 12, 2017.

Those documents are kept in the Central Files of the NWRO Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7024 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**.

Note that this site contains three related contaminated sites: PEMCO Financial Center – ethylene glycol spill (CSID 10168), PEMCO Insurance (CSID 12086) and PEMCO Parking – Concrete Cutter (CSID 11077). Site characterization of sites CSID 10168 and CSID 12086 are relevant to CSID 11077 site but are not repeated here.

In 1993, six borings were installed at the site. Eleven soil gas samples were collected and analyzed for petroleum hydrocarbons, benzene, ethylbenzene, toluene, and xylene. One of the six borings had an exceedance of the standard for benzene.

In August and December of 2015, a total of fourteen additional soil borings were installed at the site. Soil samples were collected from each boring and analyzed for gasoline, diesel, benzene, ethylbenzene, toluene, xylene, lead, volatile organic compounds, and semi-volatile organic compounds. One soil sample from one boring had exceedances of the MTCA Method A standards for gasoline and diesel. No other exceedances of MTCA Method A standards were found in any of the other samples.

Insufficient groundwater was present in the shallow soils to obtain a groundwater sample. The site is underlain by a sixty-five foot silt layer so the deeper aquifer was not sampled.

2. Establishment of cleanup standards.

- a. Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

Soil

Gasoline – 30 mg/kg

Diesel – 2,000 mg/kg

Oil – 2,000 mg/kg

Benzene – 0.03 mg/kg

Ethylbenzene – 6 mg/kg

Toluene – 7 mg/kg

Xylene 9 mg/kg

Lead 250 mg/kg

Points of Compliance

A standard horizontal point of compliance, the property boundary, was used for soil contamination.

A standard vertical point of compliance, fifteen feet for soils, was established in the soils throughout the site from the ground surface to fifteen feet below the ground surface. Fifteen feet is protective for direct contact with the contaminated soil.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The method selected for soil - excavation of the contaminated soil and transporting the soil off-site to a permitted facility – meets the minimum requirements for cleanup actions by providing a permanent solution, immediate restoration time frame, provides for confirmation monitoring, and protects human health and the environment.

4. Cleanup.

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

Following the initial spill in 1993, thirty cubic yards of contaminated soil were excavated and transported off-site for disposal. Fifty gallons of free product were removed from the excavation and transported off-site. The excavation was limited by the presence of utility lines and a building footing. No confirmatory soil samples were collected from the excavation.

In April of 2016, twenty-seven cubic yards of contaminated soil were excavated from the area around the one soil boring which had exceedances of MTCA Method A standards for gasoline and diesel.

The excavated soil was taken off-site to a permitted facility. Six confirmational soil samples were collected from the excavation and analyzed for gasoline, diesel, benzene, ethylbenzene, toluene, and xylene.

One sample was also analyzed for lead while three of the samples were also analyzed for volatile organic compounds and semi-volatile organic compounds. No exceedances of MTCA Method A or Method B standards were found in any of the soil samples.

No groundwater remediation was necessary.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

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 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).

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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 (NW 3082).

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 (360) 407-7223 or e-mail at chris.maurer@ecy.wa.gov.

Sincerely,



Christopher Maurer, P.E.
HQ - Toxics Cleanup Program

Enclosure: A – Description and Diagrams of the Site

By certified mail: 9171999991703646815921

cc: Gabe Cisneros, Floyd/Snider
Matt Alexander, Ecology

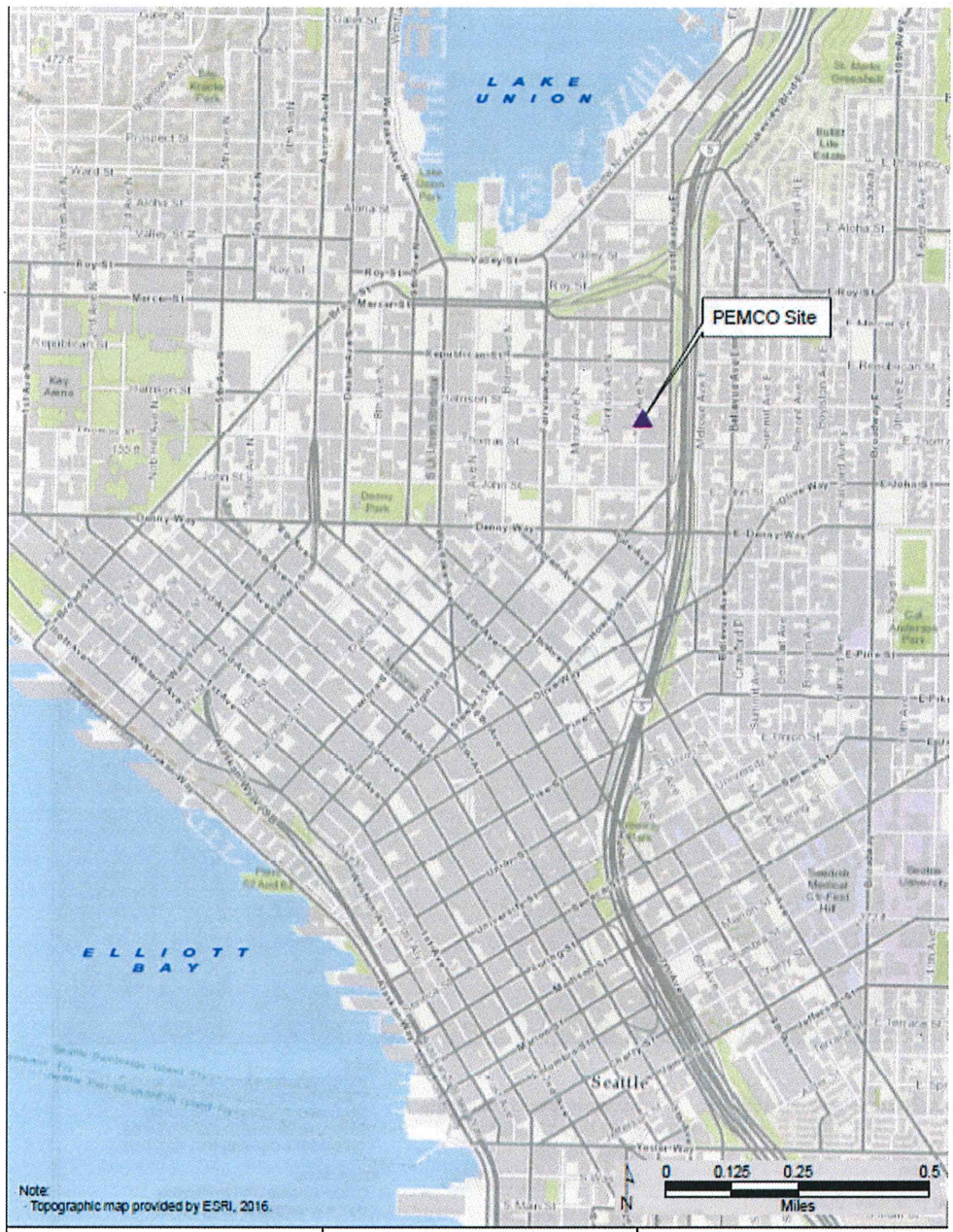
Enclosure A

Description and Diagrams of the Site

PONTIUS ADD TGW POR VAC ALLEY ADJ

Plat Block: 22

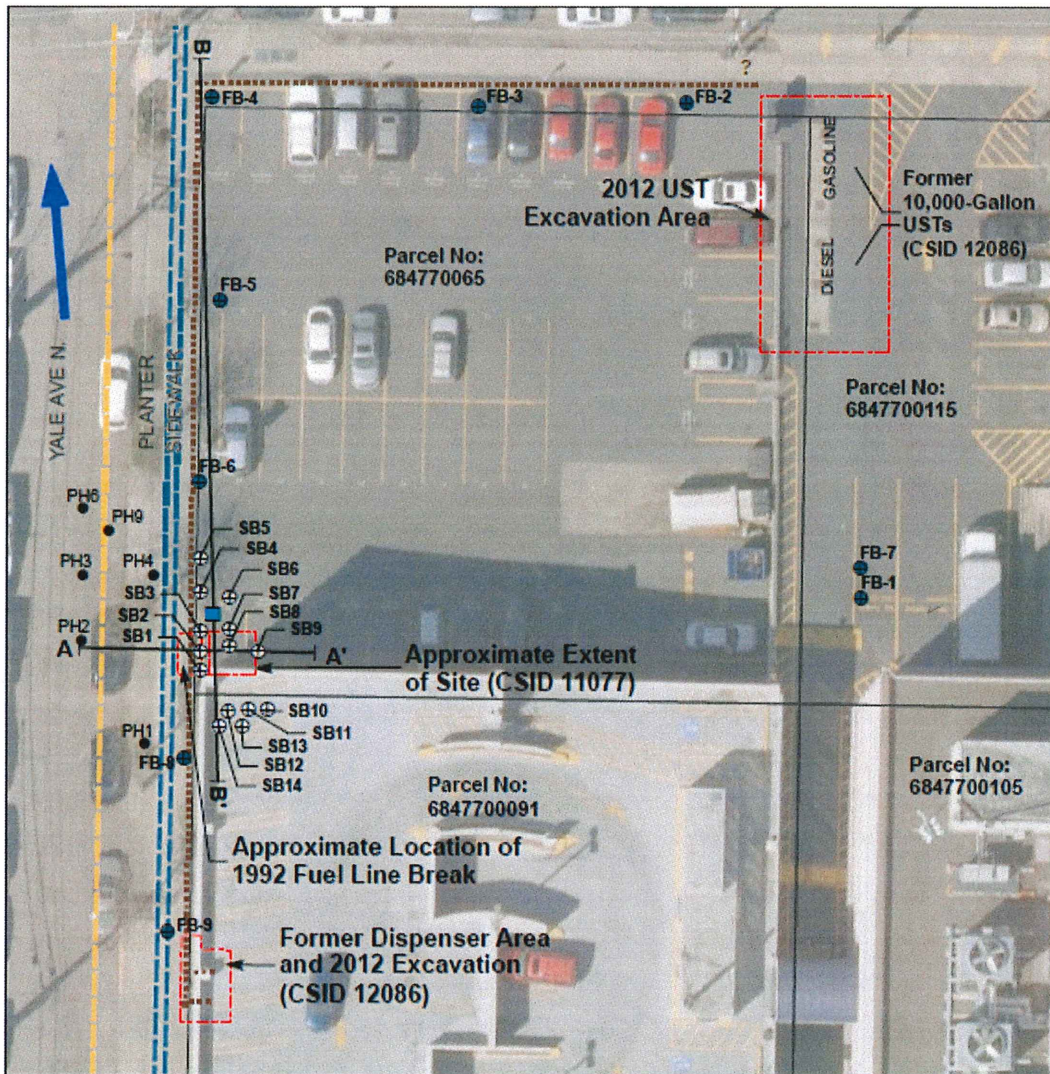
Plat Lot: 3-4-5-6



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**Remedial Investigation and
 Cleanup Action Report
 1992 Fuel Release
 PEMCO Mutual Insurance Company
 Seattle, Washington**

**Figure 1.1
 Vicinity Map**



Legend

- Soil Gas Probe (Newman 1993)
- ⊕ New Borings (FIS 2015)
- Storm Drain
- Existing (Farallon 2015)
- ▭ Approximate Extents of Remedial Excavations
- ▭ Tax Parcel Boundary
- ← Approximate Groundwater Flow Direction for the Deep Aquifer
- A—A' Cross Section Location
- ⋯ Former Fuel Line
- Fiber Optics
- Electrical

Notes:
 - Floyd/Snyder borings conducted for CSID 11077.
 - Farallon borings conducted for CSID 12086.
 - Tax parcels provided by King County Geographic Information Systems Center.
 - OrthoImage provided by NearMap, 2016.

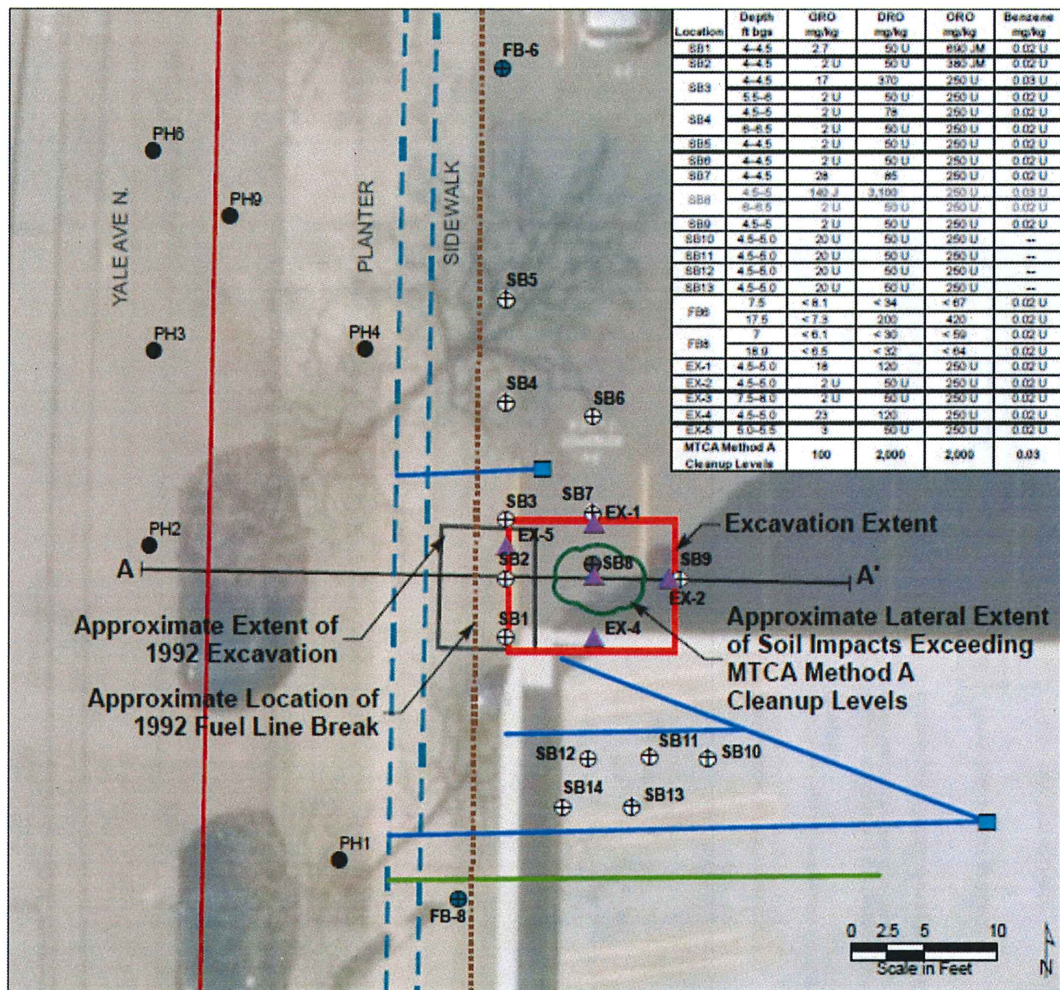
Abbreviations:
 CSID - Cleanup Site Identification
 UST - Underground storage tank



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Remedial Investigation and
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Figure 2.1
 Extended Site Map and
 Soil Boring Locations



Location	Depth ft bgs	GRO mg/kg	DRO mg/kg	ORO mg/kg	Benzene mg/kg
SB1	4-4.5	2.7	50 U	890 JM	0.02 U
SB2	4-4.5	2 U	50 U	390 JM	0.02 U
SB3	4-4.5	17	370	290 U	0.03 U
	5.5-6	2 U	50 U	290 U	0.02 U
SB4	4-4.5	2 U	78	290 U	0.02 U
	6-6.5	2 U	50 U	290 U	0.02 U
SB5	4-4.5	2 U	50 U	290 U	0.02 U
SB6	4-4.5	2 U	50 U	290 U	0.02 U
SB7	4-4.5	28	85	290 U	0.02 U
SB8	4-5	140 J	3,100	290 U	0.03 U
	5-5.5	2 U	50 U	290 U	0.02 U
SB9	4-5	2 U	50 U	290 U	0.02 U
SB10	4-5-6.0	20 U	50 U	290 U	--
SB11	4-5-6.0	20 U	50 U	290 U	--
SB12	4-5-6.0	20 U	50 U	290 U	--
SB13	4-5-6.0	20 U	50 U	290 U	--
FB6	7.5	< 8.1	< 34	< 67	0.02 U
	17.5	< 7.3	200	420	0.02 U
	7	< 6.1	< 30	< 59	0.02 U
FB8	18.9	< 6.5	< 32	< 64	0.02 U
EX-1	4-5-6.0	18	120	290 U	0.02 U
EX-2	4-5-6.0	2 U	50 U	290 U	0.02 U
EX-3	7.5-8.0	2 U	50 U	290 U	0.02 U
EX-4	4-5-6.0	23	120	290 U	0.02 U
EX-5	5.0-5.5	3	50 U	290 U	0.02 U
MTCA Method A Cleanup Levels		100	2,000	2,000	0.03

Legend

- ▲ Excavation Confirmation Sample (Floyd|Snider 2016)
- Soil Gas Probe (Newman 1993)
- ⊕ New Boring (Floyd|Snider 2015)
- ⊕ SB8: Soil Removed During 2016 Excavation
- ⊕ Existing Boring (Farallon 2015)
- Storm Drain
- ▭ 2016 Excavation Extent
- ▭ 1992 Excavation Extent
- ⋯ Former Fuel Line
- Fiber Optics
- Electrical
- Stormwater
- Sewer
- A-A' Cross Section Location

Notes:

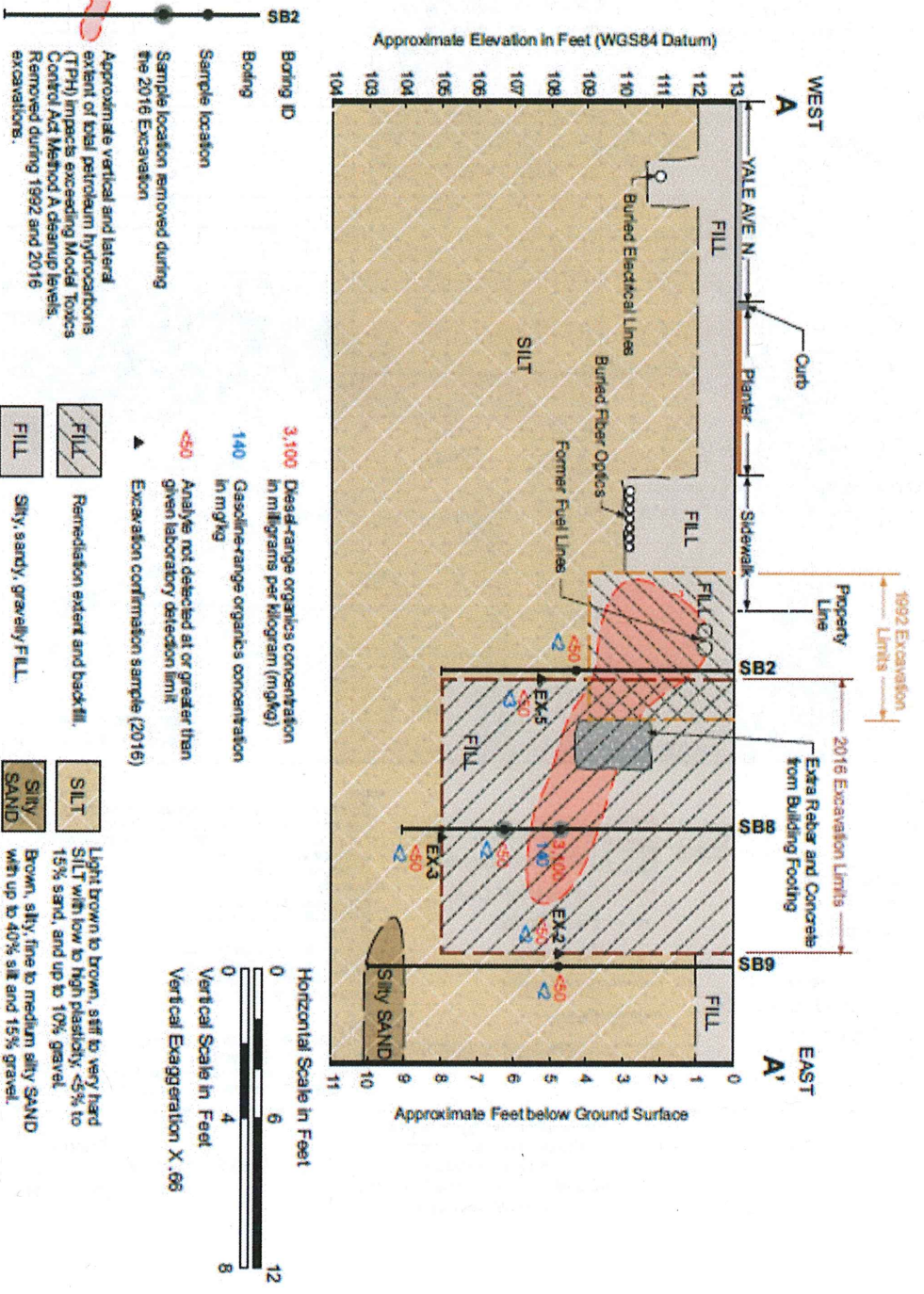
- Bold sample concentrations indicate a concentration greater than the MTCA Method A cleanup level for soil.
- Faded-gray font indicates that soil sample was removed during excavation activities.
- "--" indicates "not applicable"

Abbreviations:

- bgs = Below ground surface
- DRO = Diesel-range organics
- ft = Feet
- GRO = Gasoline-range organics
- mg/kg = Milligrams per kilogram
- MTCA = Model Toxics Control Act
- ORO = Oil-range organics

Qualifiers:

- J = Concentration is estimated but acceptable for most uses.
- JM = Concentration is estimated due to poor match to standard, acceptable for use with qualification.
- U = Analyte is not detected at the associated reporting limit.

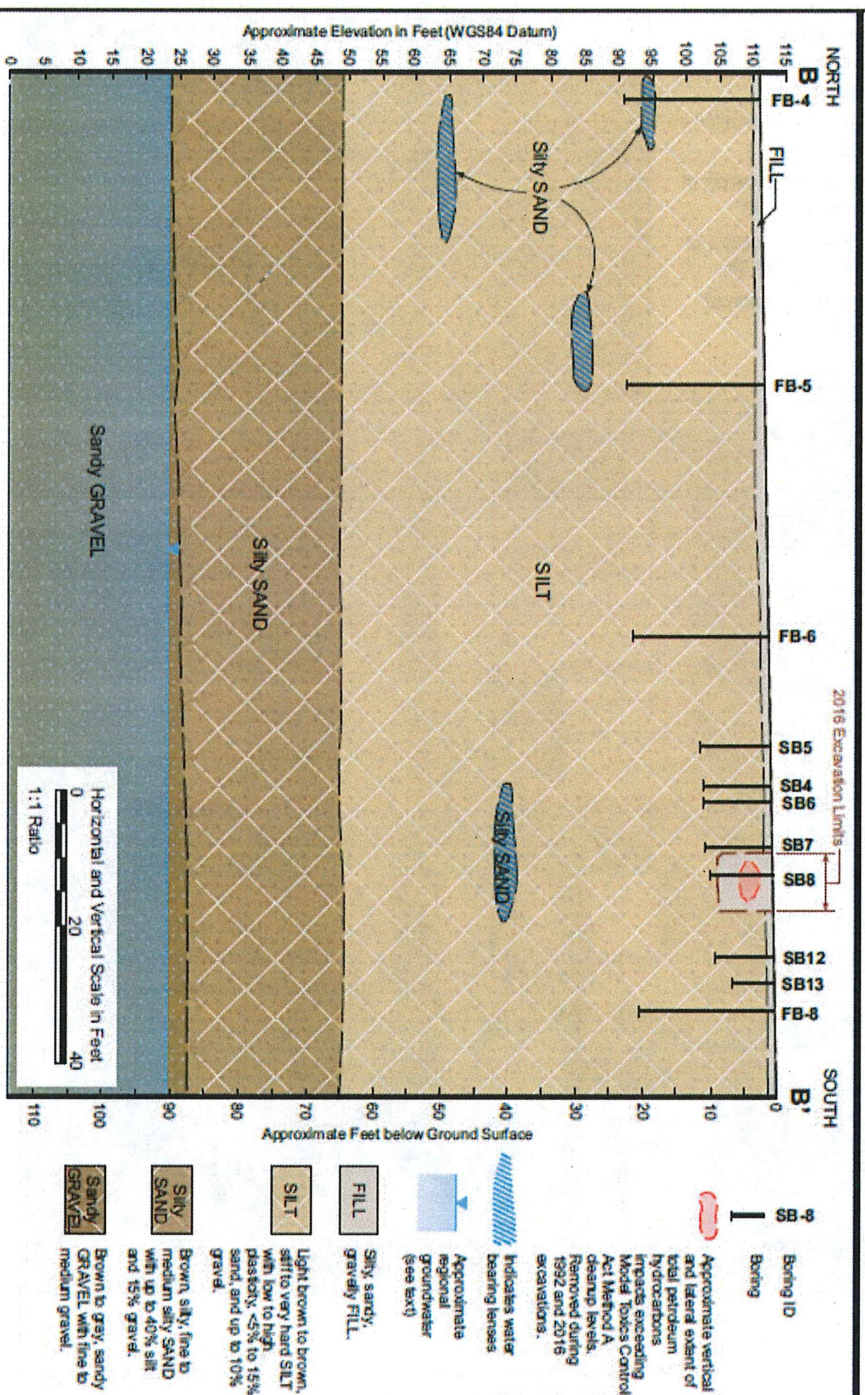


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Figure 3.2
 Cross Section A-A'

Figure 3.3
 Cross Section B-B'





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Figure 3.4
Approximate Location of
Adjacent Property Borings