



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 30, 2018

MS. LAUREN CARROLL  
PACIFIC CREST ENVIRONMENTAL, LLC  
1531 BENDIGO BOULEVARD NORTH  
NORTH BEND, WA 98045

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

- **Name:** Uptown Bakery
- **Address:** 513 - 521 Queen Anne Avenue N, Seattle, WA
- **Facility/Site No.:** 6136999
- **VCP No.:** NW2261
- **Cleanup Site ID No.:** 2713

Dear Ms. Carroll:

Thank you for submitting documents regarding your proposed remedial action for the **Uptown Bakery** 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 release(s) at the Site:

- Total petroleum hydrocarbons in gasoline- (TPH-G), diesel- (TPH-D) and oil-ranges (TPH-O), benzene, toluene, ethylbenzene and xylenes (BTEX) into the Soil and Ground Water

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. Pacific Crest Environmental, LLC, 2017. *2016 Compliance Groundwater Monitoring Jurgensen Trust/Robbins Property (AKA Former Uptown Bakery), 513 to 525 Queen Anne Avenue North, Seattle, King County, Washington*. February 14.
2. Pacific Crest Environmental, LLC, 2017. *Robbins Property Pipe Stub Investigation, Jurgensen Trust and Robbins Property (AKA Uptown Bakery), 513 to 525 Queen Anne Avenue North, Seattle, Washington 98109*. February 14.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by completing a Request for Public Record form (<https://www.ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>) and emailing it to: [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or contacting the Public Records Officer at (360) 407-6040. A number of these documents are accessible in electronic format from the Site web page (<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2713>).

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

- TPH-G, TPH-D TPH-O and BTEX into the Soil and Ground Water

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 release at the Site, Ecology has determined:**

Pipe Stub Investigation:

- Ecology agrees that the orphan underground storage tank (UST) reportedly discovered on the Robbins property, if present, should be properly decommissioned in accordance with applicable regulations and procedures. However, photographs provided in the report do not clearly show the presence of a UST. Annotated photographs provided later at Ecology's request are also inconclusive. Please photo-document the presence of the UST upon removal and its former location relative to

the Jurgenson-Robbins property line and provide the photographs to Ecology, even if a release is not encountered.

- Environmental soil sampling conducted in association with the UST decommissioning will indicate the evidence of a former release from the tank and the need for reporting and further characterization. Ecology should be notified if a new release is discovered during the UST decommissioning and a UST Site Assessment (WAC 173-360-390) should be conducted.

2016 Compliance Groundwater Monitoring Report:

- Figure 2 needs an additional ground water flow direction arrow to indicate the potential flow divide on the Robbins property. Figure 3 has an extra ground water flow direction arrow near SVE-4 that appears to be pointing upgradient. Please revise the figures.
- Ecology recommends providing a Rose diagram in future ground water monitoring reports that shows the current and historical hydraulic gradient magnitudes and directions.
- Ecology requires a minimum of four consecutive quarters of ground water monitoring data below MTCA cleanup levels for consideration of a No Further Action (NFA) determination. Ground water sample analyses are needed for the contaminants of concern that are listed in the Site definition (see page 1) including BTEX. This requirement was stated in a previous opinion letter dated October 3, 2013.
- Ecology requires current data from all Site monitoring wells for consideration of an NFA determination.

**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

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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) 649-7064 or [heather.vick@ecy.wa.gov](mailto:heather.vick@ecy.wa.gov).

Sincerely,

A handwritten signature in black ink that reads "Heather Vick". The signature is written in a cursive, flowing style.

Heather Vick, LHg  
NWRO Toxics Cleanup Program

cc: Sonia Fernandez, VCP Coordinator, Ecology