



October 19, 2012

Washington State Department of Ecology
Northwest Region
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Attn: Mr. Russ Olsen

**RE: PARTIAL CERTIFICATE OF COMPLETION
WEST BLOCK OF THE NORTH LOT DEVELOPMENT CLEANUP ACTION
NORTH LOT DEVELOPMENT
201 SOUTH KING STREET
SEATTLE, WASHINGTON 98104
CLEANUP ID#: 1966
PROSPECTIVE PURCHASER CONSENT DECREE NO. 11-2-27892-1**

Dear Mr. Olsen:

This letter has been prepared to document for the Washington State Department of Ecology (Ecology) the completion of the capital cleanup action elements, including source control and containment, for the West Block of the North Lot Property (Property) as part of the Cleanup Action Plan (CAP) implementation. As documented below, future development can proceed without the need to penetrate below ground level on the West Block. Therefore, on behalf of North Lot Development (NLD), we request that Ecology issue a Partial Certificate of Completion (PCC) for the West Block.

The Property is located in the south end Central Business District, southeast of the intersection of South King Street and Occidental Avenue South in Seattle, Washington (Figure 1). NLD is conducting a cleanup action pursuant to the Prospective Purchaser Consent Decree (PPCD), North Lot Development Site, Seattle, Washington (effective on September 26, 2011) and the CAP (Landau Associates 2011a), as part of development of the Property for commercial and residential uses. The West Block consists of the portion of the Property west of the 2nd Avenue right-of-way/Center Drive Lane (Figure 2).

As outlined in the CAP and the approved Seattle Master Use Permit, the West Block is being developed first. The four-story podium structure on the West Block has been designed and is being constructed in anticipation of the future high-rise buildings; therefore, all physical underground elements for the high-rise buildings have been built during the initial construction to avoid future disturbance of the podium foundation. The construction elements completed for the podium include underground and ground-level items such as piles, pile caps, elevator pits, grade beams, slab-on-grade foundations, and

underground utilities. Also included with the West Block construction is the finishing of the areas outside of the foundation footprint within the Property boundary that, as discussed below, will be landscaped or capped with concrete pavement. With the completion of foundation construction for the podium and the associated landscaping and concrete paving, all future construction on the West Block will proceed above the ground surface.

The CAP was developed based on the results of the investigations conducted to characterize soil and groundwater conditions at the Property, as documented in the Remedial Investigation (RI) report (Landau Associates 2011b) and the Feasibility Study (FS) report (Landau Associates 2011c). The capital cleanup activities completed for the West Block were conducted per the procedures identified in the CAP and the Engineering Design Report (EDR; Landau Associates 2011d), in accordance with the Ecology Model Toxics Control Act (MTCA) Cleanup Regulation (Chapter 173-340 WAC), and are documented in the Cleanup Action Report (CAR; Landau Associates 2012a). In accordance with the CAP, and as documented in the CAR, the capital cleanup activities completed for the West Block include the following:

- **Hotspot Excavation of Contaminated Soil from the Former Gasoline Station Area.** Approximately 675 cubic yards of soil with benzene concentrations greater than the remediation level of 780 micrograms per kilogram ($\mu\text{g}/\text{kg}$) was removed from the northwestern portion of the Property and disposed off-Property at an approved facility to mitigate the potential for vapor intrusion. The hotspot soil excavation and enhanced bioremediation (see below) activities are documented in the technical memorandum dated January 9, 2012 that was submitted to Ecology (Landau Associates 2012b).
- **Enhanced Bioremediation for Impacted Soil/Groundwater in the Hotspot Excavation Area.** A bioremediation material, ORC Advanced[®] manufactured by Regenesys, was placed in the bottom of the hotspot excavation prior to backfilling. The ORC Advanced will accelerate the rate of naturally occurring aerobic contaminant biodegradation to enhance the degradation of residual gasoline and benzene present at or near the elevation of the groundwater table. Based on model calculations from the vendor, which took into account the anticipated hotspot excavation area and the contaminant concentrations, approximately 900 pounds of ORC Advanced was placed at the bottom of the hotspot excavation area prior to backfilling. Following placement of the ORC Advanced, the hotspot excavation was backfilled with clean imported fill.
- **Construction Soil Excavation.** As discussed in Section 1.1 of the CAP, project construction included removal and off-Property disposal of soil across the Property to a depth of approximately 1.5 feet (ft) below ground surface (BGS). Soil/surface materials (including existing asphalt, associated subgrade, and shallow soil/fill) were removed from the West Block as part of construction. Additional below-grade excavation included excavation in the areas of utilities, piles, grade beams, and elevator pits, within the footprints of the building foundations. Approximately 13,890 cubic yards of material was excavated and disposed of off-Property as part of construction. The material excavated and disposed as part of construction is in addition to the materials excavated and disposed as part of the hotspot excavation and the heating oil underground storage tank (UST) removal work. Excavated material, including shallow contaminated soil, removed during construction was disposed of off-Property consistent with MTCA and other applicable regulations.

- **Heating Oil Underground Storage Tank Removal.** A heating oil UST was encountered during construction soil excavation for the West Block. The heating oil UST was removed in accordance with the MTCA Cleanup Regulations (Chapter 173-340 WAC), Dangerous Waste Regulations (Chapter 173-303 WAC) for the handling and disposal of contaminated media, and the UST regulations (Chapter 173-360 WAC, including WAC 173-360-385). Ecology provided NLD with a waiver of the 30-day notice requirement for UST closure (Ecology 2012). The UST was removed along with about 1,012 cubic yards of petroleum-contaminated soil (PCS) and confirmation samples were collected from the UST excavation. After removal of the UST, associated piping, and surrounding soils, there was no evidence of PCS around the former location of the tank. The laboratory analytical results indicate that the petroleum hydrocarbon concentrations in the soil samples collected from the UST excavation are all below the laboratory reporting limits and/or less than the applicable Property cleanup levels. The UST removal activities are documented in the technical memorandum dated February 9, 2012 that was submitted to Ecology (Landau Associates 2012c).
- **Surface Cap.** Placement of the surface cap, which consists of the concrete building foundation, has been completed. The contaminated soils remaining in place at the West Block are contained beneath the building foundation.
- **Added Measures to Prevent Contact with Contaminated Soils Outside the Building Foundations.** The areas of shallow contaminated soil within the Property boundary outside of the footprint of the building foundation have been addressed by added measures that are considered to be equally effective in containing the contaminated soil and preventing potential human contact with shallow soil. The landscaped areas outside of the building foundation footprint within the Property boundary have been excavated to 5 ft BGS and backfilled with clean soil, and all other areas outside of the building foundation footprint within the Property boundary have been capped with concrete.

The remedial actions listed above and implemented at the West Block are consistent with the cleanup action elements included in the CAP for removal, treatment, or containment of contaminated soil. In addition as required by the CAP, following the construction on the West Block described above, the surface material (i.e., asphalt, associated subgrade, and shallow soil/fill) was removed from the 2nd Avenue right-of-way/Center Drive Lane and this area has been capped with new pavement, and the existing asphalt surface on the East Block of the Property has been repaired or replaced, as warranted.

The following cleanup action elements included in the CAP have yet to be completed for the West Block:

- **Required Institutional Controls.** Institutional controls will be implemented for the West Block to assure the continued protection of human health and the environment. Institutional controls include restrictions on disturbance of the surface cap at the Property except as part of the cleanup action, and a restriction on the use of site groundwater as drinking water. A deed restriction documenting these limitations will be used for the West Block.
- **Groundwater Compliance Monitoring.** As required by the MTCA regulations, monitoring is included in the planned cleanup action to assess contaminant concentrations in groundwater and document groundwater flow direction. A groundwater compliance monitoring plan is provided in the CAP. The groundwater compliance monitoring includes the installation of two additional groundwater monitoring wells on the West Block (which has been completed), groundwater monitoring and sample collection at the new wells and

existing wells, and laboratory analysis of groundwater samples. Compliance reports will be submitted to Ecology according to the schedule presented in the CAP.

As outlined above, the capital cleanup action activities completed to date for the West Block have been implemented consistent with the CAP and PPCD, and are protective of human health and the environment per the MTCA Cleanup Regulations (Chapter 173-340 WAC). With the construction completed to date, future development can proceed without the need to penetrate below the ground level on the West Block; therefore, issuance of a Partial Completion Certificate is warranted for the West Block.

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Please call me at (425) 778-0907 if you have any questions regarding this letter. Thank you for your assistance with this matter.

LANDAU ASSOCIATES, INC.



Timothy L. Syverson, L.G.
Senior Associate Geologist

TLS/ccy
No. 1014001.060.061

REFERENCES

Ecology. 2012. Form: *Underground Storage Tank 30 Day Notice (Intent to Close)*. Waiver of 30-day notice required approved by Russ Olsen. Washington State Department of Ecology. January 4.

Landau Associates. 2012a. *Cleanup Action Report, West Block – North Lot Development Property, Seattle, Washington*. Prepared for North Lot Development, LLC. October 19.

Landau Associates. 2012b. Technical Memorandum: *Cleanup Action Plan Implementation, Hotspot Soil Excavation and Enhanced Bioremediation, North Lot Development, Seattle, Washington, Cleanup ID#: 1966, Prospective Purchaser Consent Decree No. 11-2-27892-1*. From Timothy L. Syverson, L.G., and Colette Griffith, E.I.T., to Alan Cornell, North Lot Development Team. January 9.

Landau Associates. 2012c. Technical Memorandum: *Cleanup Action Plan Implementation, Heating Oil Underground Storage Tank Removal, North Lot Development, Seattle, Washington, Cleanup ID#: 1966, Prospective Purchaser Consent Decree No. 11-2-27892-1*. From Timothy L. Syverson, L.G., and Dylan Frazer, G.I.T., to Alan Cornell, North Lot Development Team. February 9.

Landau Associates. 2011a. *Cleanup Action Plan, North Lot Development, Seattle, Washington*. Prepared for North Lot Development, LLC. July 20.

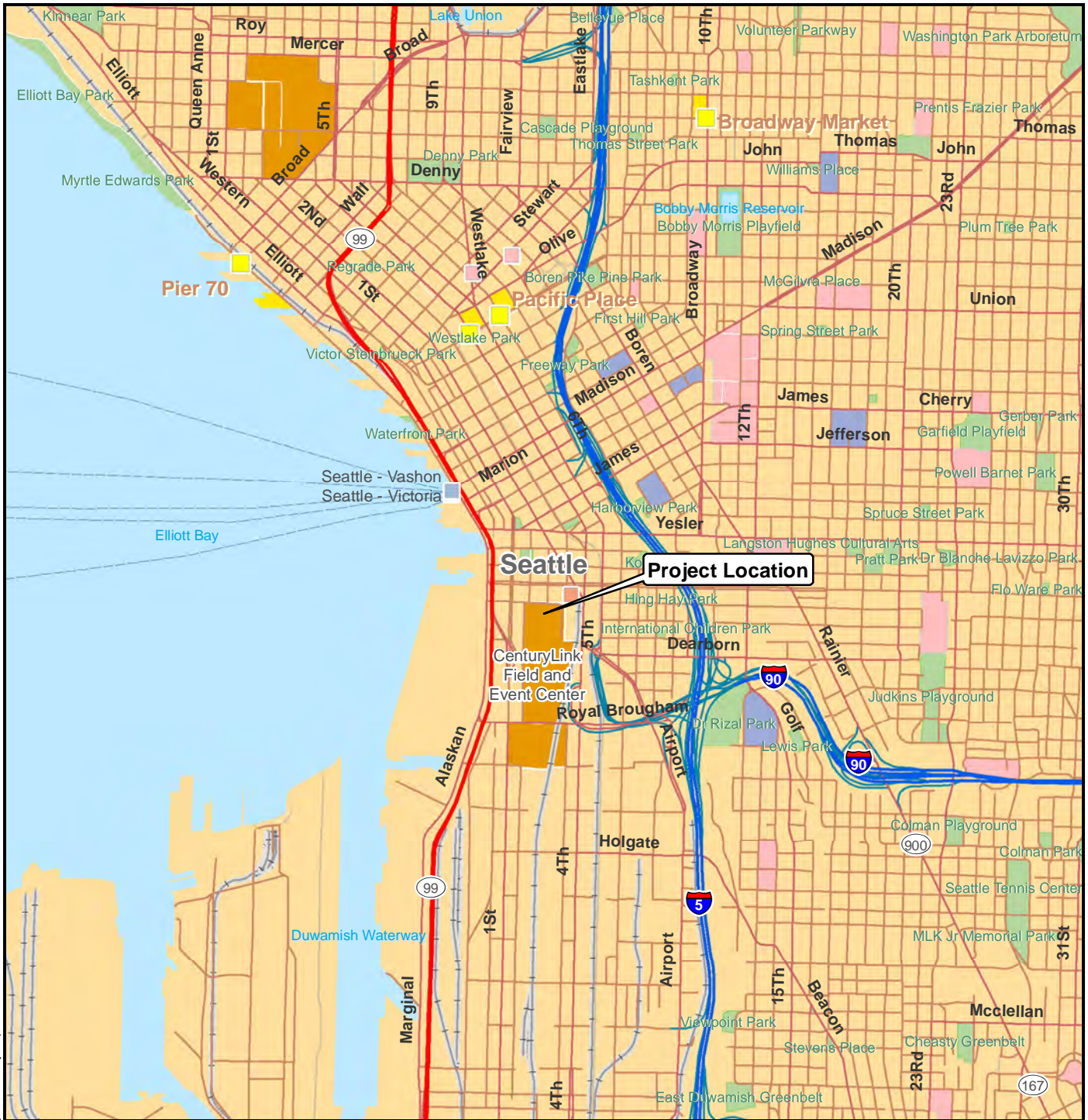
Landau Associates. 2011b. *Remedial Investigation Report, North Lot Development, Seattle, Washington*. Prepared for North Lot Development, LLC. May 23.

Landau Associates. 2011c. Report: *Feasibility Study, North Lot Development, Seattle, Washington*. Prepared for North Lot Development, LLC. May 23.

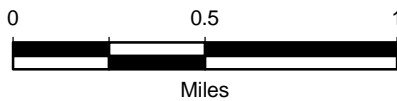
Landau Associates. 2011d. *Engineering Design Report, North Lot Development, Seattle, Washington*. Prepared for North Lot Development, LLC. July 5.

Attachments: Figure 1: Vicinity Map
Figure 2: Conceptual Property Development Plan

cc: Kevin Daniels, Daniels Development Co., LLC
Charles R. Wolfe, Counsel for North Lot Development, LLC



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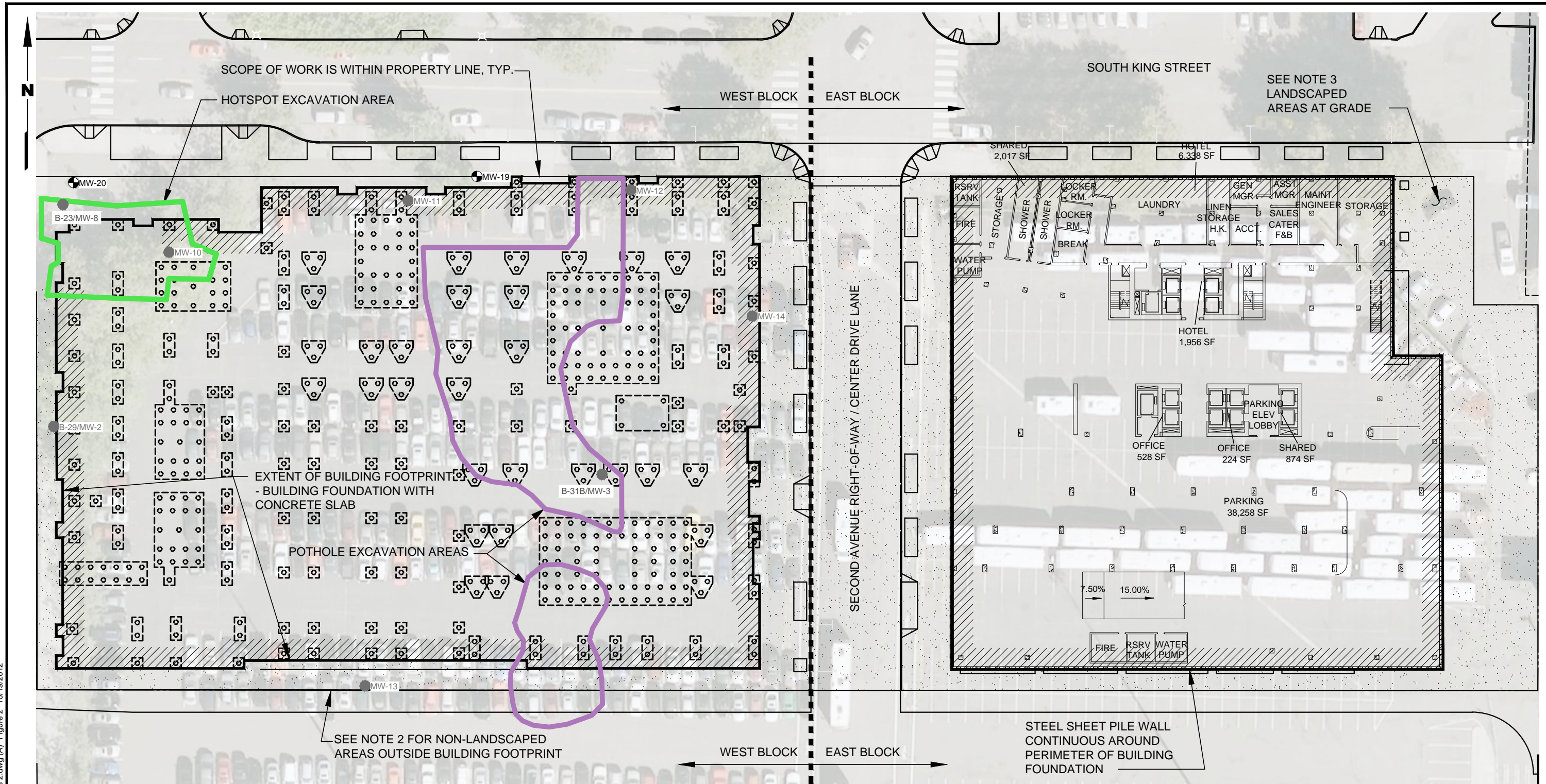
Data Source: ESRI 2008

North Lot Development
Seattle, Washington

Vicinity Map

Figure
1





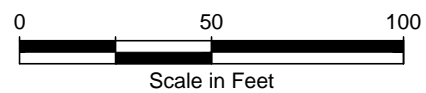
LEGEND

- MW-20 APPROXIMATE MONITORING WELL LOCATION (LOCATIONS TO BE SURVEYED)
- B-29/MW-2 GROUNDWATER MONITORING WELLS DECOMMISSIONED PRIOR TO PROPERTY DEVELOPMENT/CONSTRUCTION
- HOTSPOT EXCAVATION BOUNDARY
- POTHOLE EXCAVATION AREAS

NOTES

1. APPROXIMATELY 18" OF MATERIAL TO BE REMOVED ACROSS ENTIRE SITE, PER PHASE, WITHIN PROPERTY BOUNDARIES.
2. CAP NON-LANDSCAPED AREAS OUTSIDE OF BUILDING FOOTPRINT WITH CONCRETE.
3. LANDSCAPED AREAS - EXCAVATE 5'-0" BGS AND PROVIDE MEMBRANE, FILL WITH CLEAN SOIL.
4. UNTIL COMPLETION OF EAST BLOCK EXISTING ASPHALT PAVING WILL BE MAINTAINED.
5. SCOPE OF WORK IS WITHIN PROPERTY LINE.

Base map source: North Lot Development Team (March 15, 2011)



North Lot | V:\1014\1001\060.063\Figure 2.dwg (A) - Figure 2 - 10/19/2012



North Lot Development
Seattle, Washington

**Conceptual Property
Development Plan**

Figure
2