

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

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

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

1. Hart Crowser, Inc., *Additional Groundwater Investigation Report, Block 26W (City Place II), 526 Boren Avenue North and 1100 Republican Street, Seattle, WA*, November 2, 2010.
2. Hart Crowser, Inc., *Final Cleanup Action Report, Block 26W (City Place II), 526 Boren Avenue North and 1100 Republican Street, Seattle, WA*, October 1, 2009.
3. Hart Crowser, Inc., *Results for Additional Sampling and Analysis, Soil below Former Railroad Tracks, Block 26W, Seattle, WA*, January 9, 2009.
4. Hart Crowser, Inc., *Construction Contingency Plan (CCP, Specification for Handling Potential Environmental Concerns and Disposing of Environmental Impacts Encountered during Excavation and Construction (Block 26W Site)*, April 30, 2008.
5. Hart Crowser, Inc., *Well Installation Activities and Results of Groundwater Sampling and Analysis, February 2008, Vulcan Rufus Project – Block 26 and 32, Seattle, WA*, March 13, 2008.
6. Hart Crowser, Inc., *MacDonald Property Limited Phase II Results*, October 30, 2000.
7. Hart Crowser, Inc., *Preliminary Environmental Assessment (Phase I) and Limited Asbestos and Lead-Based Paint Survey, MacDonald Property 526 Boren Avenue North, Seattle, WA*, October 3, 2000.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7190.

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**.

Your characterization is sufficient because the horizontal and vertical extent of the contamination associated with a former underground waste oil tank, and impacted soil and debris encountered during excavation was determined; and excavation and removal of all remaining contaminated soil was conducted, with appropriate confirmational sampling of soil for all appropriate constituents. Groundwater sampling indicated ground water at the Site has not been impacted.

2. Establishment of cleanup standards.

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

Soil

Cleanup Levels:

The Site does not meet the MTCA definition of an industrial property; therefore soil cleanup levels suitable for unrestricted land use are appropriate. For unrestricted land use, direct contact, either Method A or Method B cleanup levels can be used. EPH/VPH analyses necessary to establish Method B cleanup levels for total petroleum hydrocarbons at this Site were not done, therefore Method A cleanup levels for TPH are applicable. Cleanup levels protective of terrestrial ecological receptors do not apply at the Site.

Point of Compliance: For soil cleanup levels based on direct contact, the point of compliance is defined as throughout the Site from the ground surface to fifteen feet below the ground surface.

3. Selection of cleanup action.

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

The cleanup selected consisted of excavation and removal of petroleum and metal impacted soil containing concentrations above MTCA Method A soil cleanup levels. The selected cleanup action meets applicable minimum requirements for cleanup actions stipulated in WAC 173-340-360: protect human health and the environment, comply with cleanup standards, use permanent solutions, and provide for reasonable restoration times.

4. Cleanup.

Ecology has determined the cleanup you performed meets cleanup standards at the Site.

The cleanup performed consisted of excavation and removal of approximately 663 tons of contaminated soil. Additional soil extending 25 feet below grade was excavated for construction purposes, in addition to the excavation and removal conducted for cleanup purposes. Approximately 99,000 tons of non-impacted soil were excavated and disposed of. The analytical results for verification samples collected from beneath and from the side wall areas of removed impacted soil confirmed the attainment of soil cleanup levels.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Site List and Leaking Underground Storage Tank List.

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

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performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

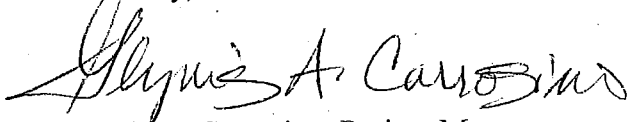
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (NW2259).

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 (425) 649-4422 or e-mail at gcar461@ecy.wa.gov.

Sincerely,



Glynis A. Carrosino, Project Manager
NWRO Toxics Cleanup Program

gc/kh

Enclosure: A – Description and Diagrams of the Site

cc: Ada Healy, City Place II
Delores Mitchell, Ecology VCP Financial Manager

Enclosure A

Description and Diagrams of the Site

Site Description

The Site is defined by the extent of releases of petroleum hydrocarbons, polycyclic aromatic hydrocarbons, lead and arsenic. The releases occurred at a Property comprising King County Tax Parcel No. 1983200585, located in the South Lake Union area of Seattle, Washington. The addresses of 526 Boren Avenue North and 1100 Republican Street have been associated with this Property. The Site is further described in the enclosed figures.

The Property occupies the western half block bounded by Mercer Street, Boren Avenue North, and Republican Street. An alley running between Mercer Street and Republican Street borders the Property on the east.

The specific circumstances of the releases are not known, but they appear to be associated with a former railroad spur in two areas on the east side of the Property and with buried roofing and piping debris in one area on the west side of the Property. Land use in the vicinity is predominantly commercial. Topography of the Property slopes gently down toward the north and west toward Lake Union, which is located two blocks north of the Property.

In general, subsurface soil conditions consisted of an upper fill unit consisting of gravelly, silty sand overlying silt and clay with some organic material present overlying sand. The upper fill unit ranges in thickness from 10 to 20 feet. Ground water was encountered at 23 to 36 feet during drilling, with a stabilized depth to ground water measured at 23 to 24 feet below ground surface on February 19, 2008.

Site History

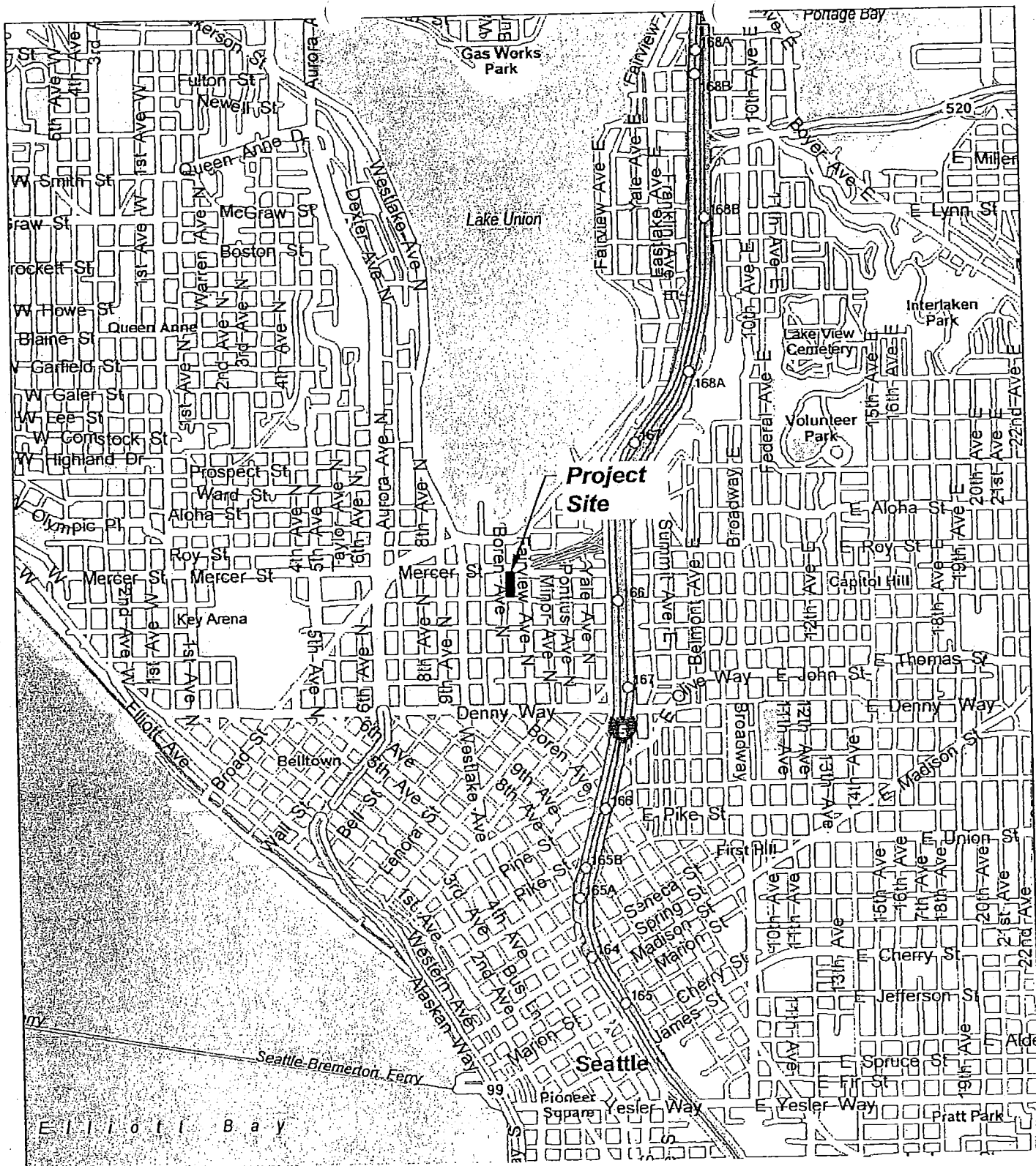
A five-story office building with subsurface parking currently has been constructed on the Property. Prior to the current redevelopment, the Property most recently was used as a commercial furniture retail store and warehouse. Other historical uses have included a wholesale building materials warehouse (1940s to 1990s), an auto wrecking and repair site (to the 1940s), an automobile and wagon business (1917), and a Sunday School and small businesses (1905)..

Soil excavation and removal was conducted during the first half of 2009 in preparation for the current construction. Approximately 663 tons of contaminated soil was excavated. Some of the contaminated soil was taken to CEMEX in Everett, Washington, and some was taken to Waste Management in Seattle, Washington. Additional soil extending 25 feet below grade was excavated for construction purposes, in addition to the excavation and removal conducted for cleanup purposes. PAH, lead and arsenic contamination were limited to the upper 13 feet but petroleum contamination (diesel range organics or DRO) was detected as far as 24 feet below ground surface, although at that point the concentration was below the cleanup level.

In 2007, Total Petroleum Hydrocarbons – Diesel Range Organics (TPH-DRO) was found at 40 times the cleanup level in a monitoring well near the north property boundary. A subsequent monitoring event in 2008 did not detect TPH-DRO in this well. Laboratory error was suspected and in 2010, monitoring well MW-6 was installed and sampled. No petroleum hydrocarbons (including gasoline, diesel, and motor-oil range hydrocarbons) were detected. Results of this sampling event confirmed that the reported detection in 2007 of 20,000 ug/l of TPH-Dx in HCN1-07 was in error.

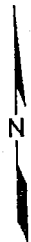
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Site Diagrams



Source: Base map prepared from Microsoft Streets and Trips 2005.

0 2000 4000
Scale in Feet



City Place II, LLC
Seattle, Washington

Vicinity Map

17430-04

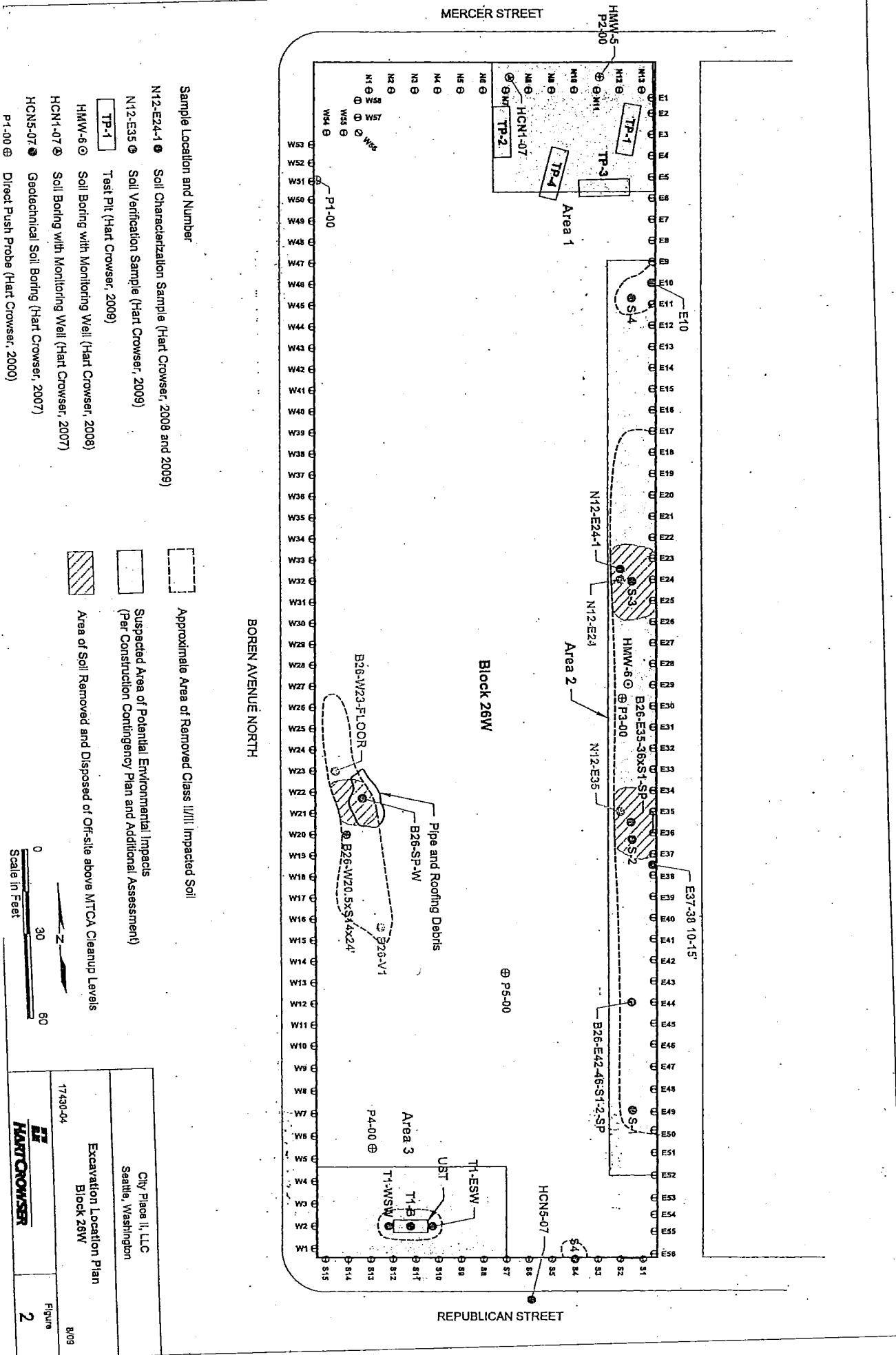
8/09


HARTCROWSER

Figure

1

MERCER STREET



City Place II, LLC Seattle, Washington	
Excavation Location Plan Block 28W	8/09
17430-04	Figure
 HARTMANN & WANNER	2