



DEPARTMENT OF
ECOLOGY
State of Washington

Response to Comments

Draft Remedial Investigation/Feasibility Study, Draft Cleanup Action Plan, SEPA Checklist and Determination of Non- Significance

Circle K 1461 Site Seattle, WA

Facility Site ID: 2322
Cleanup Site ID: 5089

October 2018

Publication and Contact Information

This document is available on the Department of Ecology's Circle K 1461 website at: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=5089>

For more information contact:

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3190 160th Avenue SE
Bellevue, WA 98008-5452
425-649-7000

Washington State Department of Ecology – www.ecology.wa.gov

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
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- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

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Response to Comments

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Circle K 1461 Site Seattle, WA

Facility Site ID: 2322
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Washington State Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
Bellevue, Washington

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Public Outreach

From September 17, 2018 to October 16, 2018, the Department of Ecology (Ecology) solicited public comments on a Draft Remedial Investigation/Feasibility Study (RI/FS), Draft Cleanup Action Plan (DCAP), and a SEPA Checklist and Determination of Non-Significance (DNS) for the Circle K 1461 cleanup site (Site), in the Montlake Neighborhood of Seattle, WA.

Our public involvement activities related to this 30-day comment period included:

- **Fact Sheet:** US mail distribution of a Fact Sheet providing information about the Draft RI/FS, DCAP, SEPA Checklist and DNS, and public comment period to approximately 3,000 people including neighboring businesses and other interested parties.
- **SEPA Notification:** Ecology is the SEPA lead agency for the Site. We provided notice to 17 state, county, city officials and local air pollution control authorities.
- **Legal Notice:** Publication of one paid display ad in *The Seattle Times*, dated September 17, 2018.
- **Site Register:** Publication of a notice in Ecology's Toxics Cleanup Site Register on September 13, 27, and October 11, 2018. Visit [Ecology's Site Register website](#)¹ to download PDFs.
- **Website:** Announcement of the public comment period and posting of the Fact Sheet and associated documents for review on [Ecology's Circle K 1461 website](#)²
- **Document Repositories:** Provided copies of the document for public review through two information repositories: Ecology's Northwest Regional Office in Bellevue and the Seattle Public Library – Montlake Branch in the Montlake Neighborhood of Seattle.

¹<https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

² <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2279>

Comment Summary

Ecology received comments from three individuals before the 30-day comment period start date and one comment from a Tribal Government/Agency during the 30-day comment period. Ecology received five comments total.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Renate	Pinch		Individual
2	Joel	Aslanian		Individual
3	Joel	Aslanian		Individual
4	Jared	Roach		Individual
5	Adam	Osbekoff	Snoqualmie Tribe	Tribal Government/Agency

SEPA Response Summary

Ecology is the State Environmental Policy Act (SEPA) lead agency for the Circle K 1461 cleanup. Ecology received one comment from an agency. Appendix B, page 15, contains the response letter Ecology received.

Table 2: List of SEPA Responders

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Robert	Whitlam	Department of Archaeology & Historic Preservation	Agency

Next Steps

If funding is approved, implementation of the cleanup action plan will begin in summer 2019.

Comments and Responses

Ecology has reviewed and considered all comments received on the Draft RI/FS, Draft CAP, and the SEPA Checklist and DNS. Based on Ecology's evaluation of the comments, no changes were made to the documents. The comments are presented below, along with Ecology's responses.

Appendix A, page 7, contains the comments in their original format.

Comment from: Renate Pinch

Several years ago I saw the owner of the dry cleaners at that site pouring unknown liquid from large barrels stored behind the store into a drain. It was visible from the apt. building just south of the dry cleaners and store building in the back where lots of garbage and barrels were stored. I also called and reported it as a disturbing sight because dry cleaner chemicals are pollution too. I am glad that something is being done about the site.

Response:

Mr. Pinch

Thank you for taking the time to send me your comment concerning the Circle K 1461 Cleanup Site.

If you could give me an approximate time frame as to when you observed this action on the part of the owner, Ecology can further investigate as to what this unknown liquid was.

Ecology will also add your comment to the Responsive Summary, which will be drafted after the Public Comment period.

Thank you Mr. Pinch

Respectfully

Dale Myers
Project Manager
Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
(425) 649-4446

Comment from: Joel Aslanian

Hi Dale - I live about a mile from the Circle K site and received a notice in the mail today about the DCAP. My question for you is why are neighbors receiving notice and being invited to comment on the routine clean up of an old gas station site? Is there some new law requiring this process, or is this something you are required to do since the state is actually cleaning it up (as opposed to a private party)? Thank you! (And good luck with the crazy neighbors.) Best regards, Joel

Response:

Thank you Joel for your question concerning the Circle K 1461 Cleanup Site.

The Department of Ecology is required by law to make available to the Public for review and comment under the state Model Toxics Control Act (MTCA; Chapter 70.105D Revised Code of Washington (RCW))and Chapter 173-204 Washington Administrative Code (WAC). The MTCA provides requirements for contaminated site cleanup in Washington State and sets standards to ensure the cleanup protects human health and the environment.

In this case, the former Circle K 1461 gas station is under a legal agreement called a Consent Decree. The cleanup at this site is being conducted by Ecology, which triggers the requirement for Public Comment on Draft Cleanup Action Plans.

Independent Cleanups conducted by a 'private party', not overseen by Ecology under a Formal Agreement (Agreed Orders or Consent Decrees) are not required to offer their "Remedial Action Plans", to the public for comment.

I hope this answers your question, if not please feel free to email me with any follow-up questions you may have.

Respectfully

Dale Myers
Project Manager
Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
(425) 649-4446

Comment from: Joel Aslanian

Hi Dale – Thanks for the explanation. I work for a real estate development company, and we have been involved in VCPs before but never a Formal Agreement. This is timely information for me since we are looking at a potential development site that is contaminated with chlorinated solvents (offsite source, an upgradient former dry cleaner) and petroleum contamination from a historic gas station use (on-site). Our enviro experts have advised that this site might be too complex for the VCP, putting into the Formal Agreement territory. I wasn't aware of the public notice/comment aspects of this route. So I'm glad to learn of it now so I can better understand what we might be signing up for. Good luck in Montlake. I was kind of joking about the neighbors – they should be happy this is getting cleaned up. Best regards, Joel

Response:

No response needed to commenter's returned email reply.

Comment from: Jared Roach

*Dale,
I read the Circle K 1461 Cleanup Site "Draft Cleanup Action Plan". I could not find information on how customers for Mont's Mart and the Laundromat might be inconvenienced. For example, will there be periods of time during the cleanup when either or both of these businesses might be closed? Or parking limited in the current parking lot?
Many thanks, Jared*

Response:

Dear Mr. Jared Roach

Thank you for your interest in Ecology's Circle K 1461 Cleanup Site "Draft Cleanup Action Plan", and for taking the time to contact me with your questions.

The information you are requesting would not be found in the Cleanup Action Plan. The Engineering Design Plan which will detail the design of the groundwater remediation system, will be drafted in 2019.

In the meantime, to answer your question if the businesses might be closed during the cleanup. The answer is no, Ecology's operations will not cause either business to be closed.

As to limited parking during the cleanup. The answer is yes, there will be some limited impacts to parking. This limited parking is expected to last for approximately three months. The area effected would be in the same area of Ecology's pilot test conducted in April 2017.

I have attached two photos of the Pilot Study, so that you can see the approximate location and area that would affect the parking at the Site.

Thank you again for taking the time to contact me.

Your comment and Ecology's response will be included in the Public Comment Period Responsive Summary.

Dale Myers
Project Manager
Department of Ecology
Northwest Regional Office
Toxics Cleanup Program

Comment from: Adam Osbekoff

Hello Dale

The Snoqualmie Indian Tribes Department of Archaeology and Historic Preservation request the opportunity to be onsite during ground disturbing activities for the above mentioned project.

Thank you

Adam

*Adam Osbekoff
Cultural Resource Compliance Manager
adam@snoqualmientribe.us
425-753-0388
9416 384th Ave SE
PO Box 969
Snoqualmie WA 98065*

Response:

Good morning Mr. Osbekoff

Thank you for your request to be on-Site during any and all field activities.

I will add your contact information and make sure you are updated as to when field activities will commence

Ecology will shortly be submitting our 2019-21 Biennial Budget Request.

If our Capital request is approved, the soonest Ecology can begin field activities will be this time next year.

Thank you again Mr. Osbekoff

Appendices

Appendix A. Public Comments in Original Format

From: [Myers, Dale - TCP \(ECY\)](#)
To: [Norman Pinch](#)
Cc: [Fawley, Ian \(ECY\)](#); [Lui, Nancy \(ECY\)](#); [Myers, Dale - TCP \(ECY\)](#)
Subject: RE: polluted site at Mont's Market:
Date: Thursday, September 13, 2018 8:31:17 AM

Mr. Pinch

Thank you for taking the time to send me your comment concerning the Circle K 1461 Cleanup Site.

If you could give me an approximate time frame as to when you observed this action on the part of the owner, Ecology can further investigate as to what this unknown liquid was.

Ecology will also add your comment to the Responsive Summary, which will be drafted after the Public Comment period.

Thank you Mr. Pinch

Respectfully

Dale Myers
Project Manager
Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
(425) 649-4446

From: Norman Pinch [mailto:BerrynRenate@hotmail.com]
Sent: Wednesday, September 12, 2018 2:01 PM
To: Myers, Dale - TCP (ECY) <DAMY461@ECY.WA.GOV>
Subject: polluted site at Mont's Market:

Several years ago I saw the owner of the dry cleaners at that site pouring unknown liquid from large barrels stored behind the store into a drain. It was visible from the apt. building just south of the dry cleaners and store building in the back where lots of garbage and barrels were stored. I also called and reported it as a disturbing sight because dry cleaner chemicals are pollution too. I am glad that something is being done about the site. Thank you, Renate Pinch.

From: [Joel Aslanian](#)
To: [Myers, Dale - TCP \(ECY\)](#)
Cc: [Fawley, Ian \(ECY\)](#); [Lui, Nancy \(ECY\)](#)
Subject: RE: Circle K 1461
Date: Thursday, September 13, 2018 9:48:28 AM

Hi Dale – Thanks for the explanation. I work for a real estate development company, and we have been involved in VCPs before but never a Formal Agreement.

This is timely information for me since we are looking at a potential development site that is contaminated with chlorinated solvents (offsite source, an upgradient former dry cleaner) and petroleum contamination from a historic gas station use (on-site). Our enviro experts have advised that this site might be too complex for the VCP, putting into the Formal Agreement territory. I wasn't aware of the public notice/comment aspects of this route. So I'm glad to learn of it now so I can better understand what we might be signing up for. Good luck in Montlake. I was kind of joking about the neighbors – they should be happy this is getting cleaned up.

Best regards,

Joel

From: Myers, Dale - TCP (ECY) <DAMY461@ECY.WA.GOV>
Sent: Thursday, September 13, 2018 7:32 AM
To: Joel Aslanian <jaslanian@mericap.com>
Cc: Fawley, Ian (ECY) <IFAW461@ECY.WA.GOV>; Lui, Nancy (ECY) <nlui461@ECY.WA.GOV>; Myers, Dale - TCP (ECY) <DAMY461@ECY.WA.GOV>
Subject: RE: Circle K 1461

Thank you Joel for your question concerning the Circle K 1461 Cleanup Site.

The Department of Ecology is required by law to make available to the Public for review and comment under the state Model Toxics Control Act (MTCA; [Chapter 70.105D Revised Code of Washington \(RCW\)](#)) and [Chapter 173-204 Washington Administrative Code \(WAC\)](#). The MTCA provides requirements for contaminated site cleanup in Washington State and sets standards to ensure the cleanup protects human health and the environment.

In this case, the former Circle K 1461 gas station is under a legal agreement called a Consent Decree. The cleanup at this site is being conducted by Ecology, which triggers the requirement for Public Comment on Draft Cleanup Action Plans.

Independent Cleanups conducted by a ‘private party’, not overseen by Ecology under a Formal Agreement (Agreed Orders or Consent Decrees) are not required to offer their “Remedial Action Plans”, to the public for comment.

I hope this answers your question, if not please feel free to email me with any follow-up questions you may have.

Respectfully

Dale Myers
Project Manager

Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
(425) 649-4446

From: Joel Aslanian [<mailto:jaslanian@mericap.com>]

Sent: Wednesday, September 12, 2018 10:10 PM

To: Myers, Dale - TCP (ECY) <DAMY461@ECY.WA.GOV>

Cc: boieran@mericap.com

Subject: Circle K 1461

Hi Dale - I live about a mile from the Circle K site and received a notice in the mail today about the DCAP. My question for you is why are neighbors receiving notice and being invited to comment on the routine clean up of an old gas station site? Is there some new law requiring this process, or is this something you are required to do since the state is actually cleaning it up (as opposed to a private party)? Thank you! (And good luck with the crazy neighbors.)

Best regards,

Joel

Joel Aslanian
Meriwether Partners
(206) 816-1573

From: [Myers, Dale - TCP \(ECY\)](#)
To: jedroach@uw.edu
Cc: [Fawley, Ian \(ECY\)](#); [Lui, Nancy \(ECY\)](#)
Subject: RE: Circle K 1461 Cleanup Site "Draft Cleanup Action Plan"
Date: Wednesday, September 19, 2018 2:00:30 PM
Attachments: [DSC05479.JPG](#)
[DSC05476a.jpg](#)

Dear Mr. Jared Roach

Thank you for your interest in Ecology's Circle K 1461 Cleanup Site "Draft Cleanup Action Plan", and for taking the time to contact me with your questions.

The information you are requesting would not be found in the Cleanup Action Plan. The Engineering Design Plan which will detail the design of the groundwater remediation system, will be drafted in 2019.

In the meantime, to answer your question if the businesses might be closed during the cleanup. The answer is no, Ecology's operations will not cause either business to be closed.

As to limited parking during the cleanup. The answer is yes, there will be some limited impacts to parking. This limited parking is expected to last for approximately three months. The area effected would be in the same area of Ecology's pilot test conducted in April 2017.

I have attached two photos of the Pilot Study, so that you can see the approximate location and area that would affect the parking at the Site.

Thank you again for taking the time to contact me.

Your comment and Ecology's response will be included in the Public Comment Period Responsive Summary.

Dale Myers
Project Manager
Department of Ecology
Northwest Regional Office
Toxics Cleanup Program

From: Jared Roach [mailto:jedroach@comcast.net]
Sent: Thursday, September 13, 2018 9:29 AM
To: Myers, Dale - TCP (ECY) <DAMY461@ECY.WA.GOV>
Subject: Circle K 1461 Cleanup Site "Draft Cleanup Action Plan"

Dale,

I read the Circle K 1461 Cleanup Site "Draft Cleanup Action Plan". I could not find information on how customers for Mont's Mart and the Laundromat might be inconvenienced. For example, will there be periods of time during the cleanup when either or both of these businesses might be closed? Or parking limited in the current parking lot?

Many thanks,
Jared

Jared Roach
2616 24th Avenue East, Seattle, 98112

Response to Comments: Draft RI/FS, Draft CAP, SEPA Checklist and DNS, Circle K 1461

From: [Myers, Dale - TCP \(ECY\)](#)
To: [Adam Osbekoff](#)
Cc: [Podger, Donna \(ECY\)](#); [Myers, Dale - TCP \(ECY\)](#)
Subject: RE: Circle K 1461 Cleanup Site
Date: Tuesday, October 2, 2018 10:41:54 AM

Good morning Mr. Osbekoff

Thank you for your request to be on-Site during any and all field activities.

I will add your contact information and make sure you are updated as to when field activities will commence

Ecology will shortly be submitting our 2019-21 Biennial Budget Request.

If our Capital request is approved, the soonest Ecology can begin field activities will be this time next year.

Thank you again Mr. Osbekoff

From: Adam Osbekoff [mailto:adam@snoqualmtribe.us]
Sent: Tuesday, October 2, 2018 10:28 AM
To: Myers, Dale - TCP (ECY) <DAMY461@ECY.WA.GOV>
Subject: Circle K 1461 Cleanup Site

Hello Dale

The Snoqualmie Indian Tribes Department of Archaeology and Historic Preservation request the opportunity to be onsite during ground disturbing activities for the above mentioned project.

Thank you
Adam

Adam Osbekoff
Cultural Resource Compliance Manager
adam@snoqualmtribe.us
425-753-0388

9416 384th Ave SE
PO Box 969
Snoqualmie WA 98065

Appendix B. SEPA Responses



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

September 27,
2018

Ms. Donna Podger
Toxics Cleanup
Program Department
of Ecology PO Box
47600
Lacey, Washington 98504-7600

RE: Circle K 1461 Cleanup Site
Project Log No: 2018-09-07114-ECY

Dear Ms. Podger;

Thank you for contacting our department, pursuant Executive Order 05-05. We have reviewed the materials you provided for the proposed Circle K 1461 Cleanup Site Project at 2350 Avenue East, Seattle, King County, Washington.

We concur with the determination of no cultural resource impacts with the stipulation for an Inadvertent Discovery Plan (IDP).

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of Executive Order 05-05

In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured, and the concerned tribes and this department notified.

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,



Robert G. Whitlam, Ph.D.

State Archaeologist

(360) 890-2615

email: rob.whitlam@dahp.wa.gov

State of Washington • **Department of Archaeology & Historic Preservation**

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