



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 29, 2019

Bart Brosten  
The Lutheran Retirement Home of the Greater Seattle  
DBA the Hearthstone Retirement Living  
6720 E Greenlake Way N  
Seattle, WA 98103

**Re: Contained-In Determination for Plastic Sales and Service Site  
6870 Woodlawn Avenue Northeast Seattle, Washington 98115 (WAH000026342)**

Reference: 1. Letter Report from T. Cammarata, Sound Earth Strategies (SES) to D. Yasuda  
Department of Ecology (Ecology), dated April 8, 2019

Dear Bart Brosten:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from your environmental consultant, Sound Earth Strategies (SES), for specific F002 listed waste contaminated soils to be excavated at the former Plastic Sales and Service Site 6870 Woodlawn Avenue Northeast Seattle, Washington 98115 (WAH000026342).

Analytical data were submitted to Ecology to determine if these soils contaminated with F002 listed dangerous waste constituents may be exempt from management as dangerous wastes per the "Contained-In Policy"<sup>1</sup>.

Based on the information received and reviewed, Ecology's determination is two-fold:

1) The PCE contaminated soils to be excavated near the trench running through former soil boring B31 shall be resampled and analyzed with the toxic characteristic leaching procedure (TCLP) at the 2.5 and 5.0 foot depths, then those PCE contaminated soils five feet southwest and five feet northeast of B31 shall be loaded into a container, pending results of those TCLP results. No other soils shall be placed in that container. If the results of the TCLP tests indicate the soils are a dangerous waste (D039), then the entire container of PCE contaminated soils shall be managed as D039 dangerous wastes per Chapter 173-303 WAC. If the results of both TCLP tests indicate the PCE contaminated soils are not D039 dangerous wastes, then those soils may be managed per the requirements of (2) below. Send the TCLP analytical results to Ecology,

<sup>1</sup> Washington State Department of Ecology Contained-in Policy, dated February 19, 1993



attention of Dean Yasuda, by **June 30, 2019**. The total PCE concentrations in borings samples B31-2.5 and B31-5.0 collected in 2018 are too close to the concentration limit where a TCLP failure is possible if there are variations (higher) PCE concentrations in those soils. These soils are also near the area where higher PCE contaminated soils were previously excavated and managed as F002 and D039 dangerous wastes during an earlier phase (2018) of the site cleanup. You may also elect to manage these PCE contaminated soils (approximately 30 tons) as D039 dangerous wastes without additional sampling or analyses. If these soils are managed as D039 dangerous wastes, send copies of all fully signed hazardous waste manifests to Ecology, attention of Dean Yasuda, by **June 30, 2019**. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid.

2) The approximately 320 tons of PCE contaminated soils to be excavated as a trench approximately three feet wide, five feet deep and 270 feet long<sup>2</sup> (**Refer to Figure 2**) are contaminated with F002 listed dangerous waste (PCE) constituents at concentrations that do not warrant management as dangerous wastes<sup>3</sup>. Ecology will not require disposal of these 320 tons of PCE contaminated soils, once excavated during remedial activities, as F002 listed dangerous wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided that all of the following conditions are implemented. This contained-in determination applies only to the contaminated soils, and does not pertain to contaminated water or any mixture of contaminated soils and drilling fluids.

You or your environmental consultant, SES shall:

- Ensure that no standing water is present within the containers or trucks holding the contaminated soils. All water must be removed to the maximum extent possible from each container or truck and managed as F002 dangerous wastes or as otherwise allowed under Chapter 173-303 WAC. Adding bentonite or similar materials to absorb standing F002 listed waste contaminated water in the containers is not allowed. Mixtures of bentonite or similar materials and the listed waste contaminated water must be managed as F002 listed dangerous wastes;
- Directly deliver the soils to a solid waste landfill permitted under Chapter 173-351 WAC inside Washington State. If you plan to deliver the contaminated soils to a landfill outside Washington State, you must submit to Ecology written approval for the contaminated soil disposal from the State hazardous waste program and the out of state landfill, **before** the soils are delivered to the out of state landfill. No off-loading of the contaminated soils is allowed between the cleanup site and the permitted solid waste landfill;

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<sup>2</sup> trenching through the locations of former soil borings B28 through B37.

<sup>3</sup> Ecology understands that these contaminated soils do not designate under federal characteristics (WAC 173-303-090) or State-only criteria (WAC 173-303-100).

- Dispose of the contaminated soils at the permitted solid waste landfill by **July 1, 2019**. This contained-out determination letter is no longer valid after **July 1, 2019** and the contaminated soils shall be managed as dangerous wastes after this date;
- Provide copies of all signed solid waste landfill receipts or a certificate of disposal issued by the receiving landfill for these contaminated soils to Ecology, attention of Dean Yasuda, by **July 30, 2019**. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid;
- Do not consolidate these contaminated soils with other soils that do not pertain to this contained-in determination.
- Notify Ecology before disposal of the contaminated soil if the amount exceeds the approved amount in this letter. Ecology needs to make sure that the additional soil qualifies for this contained-in determination;
- Ensure that the transporter is properly trained to handle hazardous waste so that the transporter manages the contained-in determination soils during transport in a manner that is protective of human health and the environment;
- Take measures to prevent unauthorized contact with these soils at all times. During transport, take adequate measures to prevent spills or dispersion due to wind erosion. If you load the contaminated soils directly onto the truck bed, the truck must be lined with plastic;
- Provide instructions to the landfill operator that these soils are not to be used for daily, intermediate, or final cover;
- Provide copies of all soil analytical data to the landfill operator, upon request; and
- Do not send these contaminated soils to any incinerator, thermal desorption unit or recycling facility unless that facility is a RCRA Subtitle C permitted dangerous waste TSD facility.

Ecology issued this determination based on the information provided and reviewed to date. This Ecology determination will be rescinded if Ecology finds that the information submitted by the property owner or its environmental consultant is materially false, misleading, otherwise does not accurately represent the site conditions, or if the Ecology requirements listed above are not followed.

This written decision only applies to the above specified PCE contaminated soils generated during excavation activities from areas depicted on Figure 2 (attached) of your request. It also does not apply to any other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the above stated PCE contaminated soil according to the Washington State Dangerous Waste Regulations (Chapter 173-30 WAC) and Ecology Contained-in Policy. This letter is not an Ecology approval for dangerous waste designation or disposal of contaminated soils that may be generated or already excavated from other areas in

Bart Brosten  
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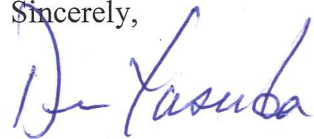
this property.

This letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Instead, this letter only addresses the procedures for disposal of the contaminated soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC). Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under Ecology Model Toxics Control Act (Chapter 173-340 WAC). Local agencies may have the authority to impose additional requirements on this waste stream.

If you fail to comply with the terms of this letter, Ecology may issue an administrative order and/or penalty as provided by the Revised Code of Washington, Sections 70.105.080 and/or .095 (Hazardous Waste Management Act).

If you have any questions concerning this letter, please contact me at (425) 649-7264 or [dyas461@ecy.wa.gov](mailto:dyas461@ecy.wa.gov).

Sincerely,



Dean Yasuda, PE  
Hazardous Waste and Toxics Reduction Program

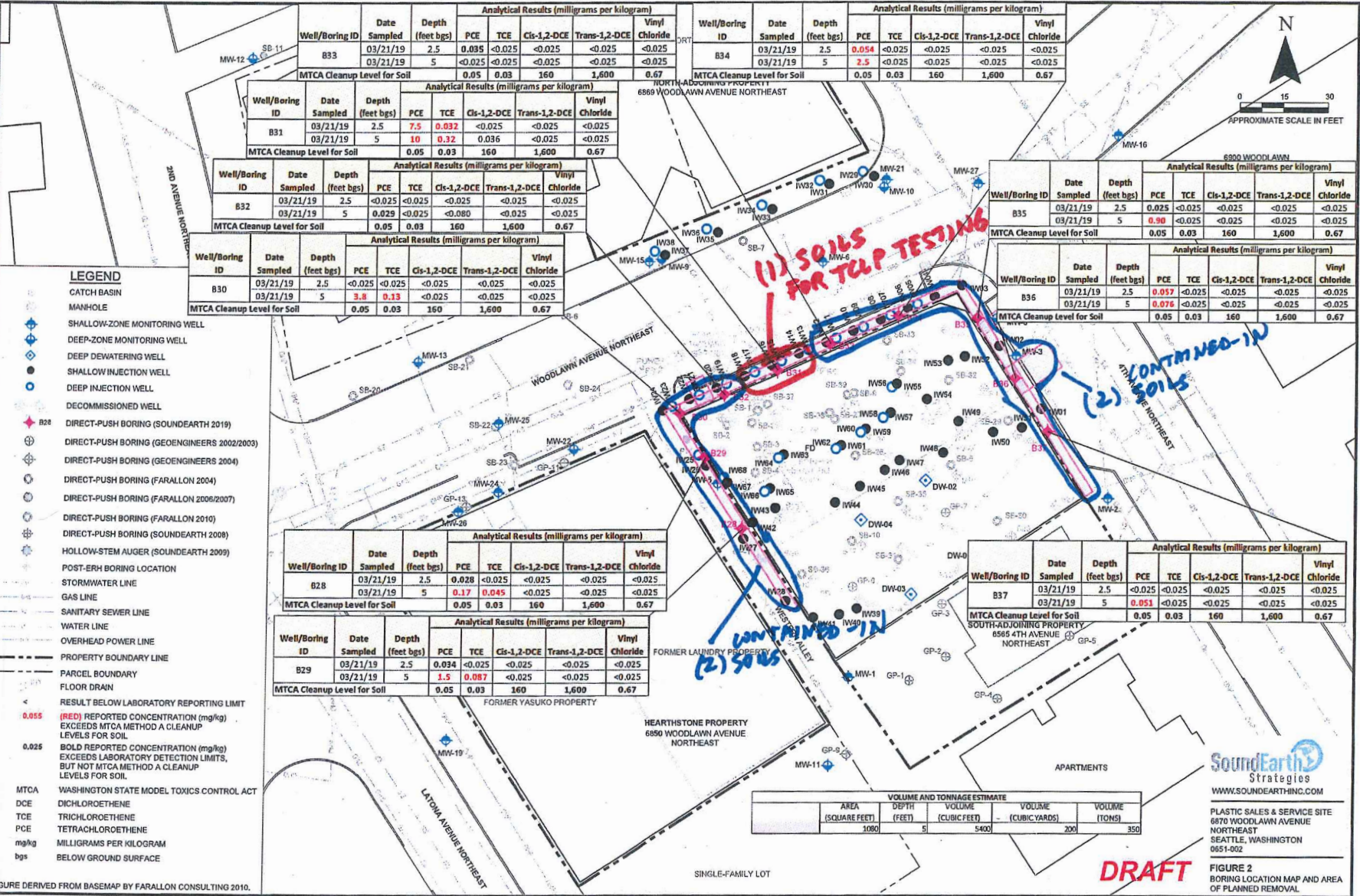
Sent by Certified Mail: 9171 9690 0935 0214 2539 09

ecc: Eyasu Ayalew, Seattle-King County Public Health, [eayalew@kingcounty.gov](mailto:eayalew@kingcounty.gov)  
Darshan Dhillon, Seattle-King County Public Health, [darshan.dhillon@kingcounty.gov](mailto:darshan.dhillon@kingcounty.gov)  
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Karen Wood, Ecology  
Sunny Becker, Ecology



4/8/2019

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DRAFT

FIGURE 2 BORING LOCATION MAP AND AREA OF PLANNED REMOVAL