



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 19, 2019

First and Utah St Associates, LLC
2401 Utah Ave S, Ste 305
Seattle, WA 98134

Re: No Further Action after Site Hazard Assessment: Facility Site ID 46247836
Sears Auto Center Heating Oil Tank
2759 1st Ave S
Seattle, WA 98134
Property Tax # 7666207285
Cleanup Site ID 4669

Dear First and Utah St Associates, LLC:

The Washington State Department of Ecology (Ecology) is writing to inform you that the above referenced property was subject to an updated site hazard assessment (SHA) on 12/21/18, in accordance with the Model Toxics Control Act. Based on this SHA, Ecology has made a determination that No Further Action (NFA) is required at this site. Ecology will be publishing the results of this, and other recently assessed sites, in the August 2019 Special Issue of the Site Register.

What is an SHA?

An SHA allows Ecology to rank the potential threats to human health and the environment at this Site relative to other contaminated sites in Washington State. We review site records on contamination and cleanup. We also collect general information on the area around the Site. This information is put into the WARM Ranking model, a mathematical tool that gives us a final ranking between 1 and 5. Sites with the highest risk rank 1 and sites with the lowest risk rank 5. If it is determined during the SHA that no contamination is present above state cleanup levels, then the site can receive a determination of No Further Action instead of a numerical ranking.

Why did Ecology do an updated SHA on this Site?

Ecology previously did an SHA for this Site in 2013. At that time, data showed that soil at the Site was not contaminated with petroleum hydrocarbons. No groundwater samples had been collected on the Site, and Ecology suspected that it might be contaminated. Based on the suspected groundwater contamination, the Site was ranked a 5.

Samples collected in 2016 and 2017 show that groundwater on the Site is not contaminated with petroleum hydrocarbons. An evaluation by the Pollution Liability Insurance Agency (PLIA) determined that the Site did not qualify for their technical assistance programs, since no contamination above state cleanup levels had been found on the Site. They recommended that the Site should be reevaluated by Ecology. Ecology determined that the best way for us to do this was to perform an updated SHA. This process required the delisting of the Site from the



Hazardous Sites List and an opportunity for public comment on the delisting. The public comment period happened in May and June 2019.

What site records were considered in the SHA?

More detail on Ecology's evaluation is available in the SHA report attached to this letter. A summary of site characterization activities is included in the attached Request for Delisting letter. All other electronic documents Ecology has for this Site are available at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4669>. To access the documents, click on "View Electronic Documents" on the right side of the website.

Ecology reserves the right to initiate further investigation at this site where new information is received indicating a potential/actual threat to human health and/or the environment through the release of a hazardous substance.

Please contact me at (425) 649-7136 or donna.musa@ecy.wa.gov if you have any questions about the no further action determination for this site.

Sincerely,



Donna Musa
Site Hazard Assessments
Toxics Cleanup Program

cc: Kim Wooten, Ecology
Molly Barker, Marten Law

Attachments: A. Letter re: Request to Delist, Marten Law
B. Site Hazard Assessment – Recommendation for No Further Action, Ecology

ATTACHMENT A

Request to Delist – Sears Auto Center HOT
Letter from Marten Law to Ecology



MARTEN LAW

November 12, 2018

Via U.S. Mail and Electronic Mail

Kim Wooten
NWRO Toxics Cleanup Program
Washington Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, Washington 98008
Kim.wooten@ecy.wa.gov

Re: Request to Delist – Sears Auto Center HOT
Ecology CSID: 4669 / FSID: 46247836

Dear Ms. Wooten:

I am writing to you on behalf of First & Utah Street Associates LLC (“First & Utah”), the current owner of the property formerly known as the Sears Auto Center in the SoDo neighborhood of Seattle. The property is located at 2759 1st Avenue South, Seattle, Washington, and identified in the public records of King County as Tax Parcel No. 7666207285 (“Property”). By letter dated October 12, 2018, the Washington State Department of Ecology (“Ecology”) notified First & Utah that Ecology would be performing a Site Hazard Assessment (“SHA”) for the Property under the Model Toxics Control Act (“MTCA”). Based on my conversations with you and with Landau Associates, Inc. (“LAI”), my understanding is that the SHA is being performed to support a decision to “delist” the Property from the MTCA Hazardous Sites List (“HSL”). We write in support of that delisting.

It appears Ecology listed the Property on the HSL in 2013 based upon the fact that no groundwater was sampled near the 2,500-gallon underground storage tank’s (“UST”) excavation location during its removal in 1992. Subsequently, in 2016, groundwater was sampled and the results were non-detect for diesel-range TPH. A further explanation is set out below.

The Property.

Historically, a 2,500-gallon UST existed near the southeastern corner of the Property. In January 1992, the UST was discovered and excavated. It was observed to have last contained heavy heating oil. During excavation, two soil samples were collected at each end of the UST, immediately above the soil/groundwater interface. Following excavation, an additional three soil

samples were taken from the walls of the excavation, also at the soil/groundwater interface, and two additional soil samples were taken from the stockpiled soil. All sample results showed that no TPH was present in any of the soil samples at concentrations above detection limits. Earth Consultants, Inc. (“ECI”) oversaw the excavation and documented the UST’s removal in a Heating Oil UST Removal Report dated February 20, 1992.

There was another structure that historical maps indicate may have existed at some point on the Property near the northeast corner of the current building on the Property, but there are no records to confirm what type of structure may (or may not) have existed. ECI reviewed historical records, published its conclusions in a Phase II Evaluation of the Property on April 28, 1994, and concluded that it could not determine whether the area shown on the historical map depicted an underground structure or not.

Investigations Have Not Identified a Release from the Property.

On December 16, 1988, consultant Sweet-Edwards/EMCON prepared a Site Assessment of parcels within a four-block radius that included the Property. Sweet-Edwards advanced two soil borings, one (identified as SB-2) just north of the former building on the Property and the other (identified as SB-1) just west of the Property across the Utah Avenue south right-of-way. SB-1 detected BTEX in concentrations above the laboratory detection levels, but SB-2 did not.

In 1994, ECI advanced one boring, SB-1, north of the Property, and another, SB-2, west of the southwest corner of the Property—near SB-1 that was advanced by Sweet-Edwards in 1988. Groundwater samples were taken from both borings. No contaminants were detected in soil above MTCA Method A cleanup levels. In groundwater, diesel-range TPH was detected, but at concentrations below the MTCA Method A cleanup levels. ECI concluded that because no diesel-range TPH had been detected in previous studies, that the diesel-range TPH detected in groundwater in this study may have been originating from a source unrelated to Blocks 343 and 342. ECI published its opinion in a Preliminary Environmental Evaluation of Blocks 342 and 343 dated October 25, 1994.

Property Listed on Confirmed and Suspected Contaminated Site List.

On March 8, 2007, First & Utah submitted an application for the Property to enter into Washington’s Voluntary Cleanup Program (“VCP”) to Ecology. The VCP Application summarized the previous environmental investigations of the Property and surrounding area and, based on the data, requested a No Further Action letter for the Property. Ecology conducted an initial investigation of the Property and, on March 15, 2007, listed the Property on the Confirmed and Suspected Contaminated Site for a suspected release of diesel to groundwater, since no groundwater sampling had then been conducted and the groundwater condition was unknown.

Listing the Property on the Hazardous Site List.

In 2013, Ecology conducted its first SHA of the Property (“2013 SHA”), ranked the Property a 5, and put the Property on the HSL requiring further action.

In November 2016, LAI conducted sampling of the groundwater. LAI sampled soil and groundwater on the east side of the UST excavation within the Property’s boundary (MW-8), and also on the west side of the Property in the Utah Avenue South right-of-way (MW-7). No samples in MW-7 and MW-8 detected TPH, polycyclic aromatic hydrocarbons, or volatile organic compounds in soil or groundwater at concentrations that exceeded applicable screening levels. LAI concluded that there was no risk to human health and the environment. In November 2017, LAI submitted a Subsurface Investigation Report for Site Closure of the Subject Property to the Pollution Liability Insurance Agency (“PLIA”) under its Petroleum Technical Assistance Program (“PTAP”) with a request for a No Further Action determination at the Property.

On September 10, 2018, based on LAI’s report and discovering “the information submitted does not show a release above the state’s cleanup level has occurred,” PLIA elected to terminate the Property from PTAP.¹ PLIA based its decision on the fact that MTCA’s implementing regulations oversee only releases of hazardous substances that exceed applicable cleanup levels.² PLIA notified First & Utah that it would be forwarding the Property to Ecology for “delisting.”³

Conclusion.

We ask Ecology to determine that there is no evidence of a release of hazardous substance from either the UST or the unconfirmed former underground structure, that the Property requires no further remedial action, and that it be removed from the Confirmed and Suspected Contaminated Sites List and the HSL. WAC 173-340-310(5)(d); WAC 173-340-320(6); WAC 173-340-330(1), (7).

Please contact me with any questions.

Sincerely,



Molly K.D. Barker

cc (via email only): Donna Musa
Kevin Daniels

¹ See L.Ma Ltr to E. Ives (September 10, 2018).

² See L.Ma Ltr to E. Ives (September 10, 2018); *See also* e-mail from L. Ma to E. Ives, August 28, 2018. WAC 173-340-100.

³ *Id.*

ATTACHMENT B

Site Hazard Assessment – Recommendation for No Further Action

SITE HAZARD ASSESSMENT

Recommendation for No Further Action

SITE NAME: Sears Auto Center Heating Oil Tank

Cleanup Site ID: 4669 Completed on 12/21/2018 for inclusion
 Facility/Site ID: 46247836 on the August 2019 Hazardous Sites List.

LOCATION OF SITE

2759 1st Avenue South Township 24N, Range 4E, Section 7
 Seattle, King County, WA 98134 Latitude, Longitude: 47.57824, -122.33481
 Tax Parcel ID: 7666207285

SITE DESCRIPTION

Within Currently Defined Site Boundaries

The Sears Auto Center Heating Oil Tank (HOT) site (Site) is located on one tax parcel. The Site includes 0.82 acres of property zoned for industrial (IG2) use, and currently houses one commercial building occupied by Momentum Indoor Climbing. Suspected contamination of the property was discovered in 1992 when the current building was constructed on the Site to house the Sears Automotive Center. The Site is located on South Forest Street in the SoDo neighborhood of Seattle between 1st Avenue South and Utah Avenue South. The area is dominated by commercial and industrial buildings, including the Site's neighbors: Home Depot to the west, Visions Espresso Service to the north, Bank of America to the east, and Club Sur (restaurant and dancing) to the south.

The Puget Sound Initiative was established by the Governor's office in 2007 with the goal of restoring the health of Puget Sound by 2020. A leading source of pollution to Puget Sound is contaminated sites around its shorelines. Ecology's Toxics Cleanup Program has identified contaminated sites within one-half mile of the Sound. This Site is a Puget Sound Initiative site.

Historical Owners and Operators

<u>From</u>	<u>To</u>	<u>Owner/Operator</u>	<u>Site Uses</u>
1992	2017	Sears Auto Center	automotive service
2017	2018	Momentum Indoor Climbing	renovations to transition space into an indoor rock climbing facility; opened in September 2018

Area Surrounding the Site

Sixteen Ecology cleanup sites are located within a quarter mile of the Site, including on the adjacent properties to the east (Chevron 2740 2st Ave S, Cleanup Site ID 5982, No Further Action) and the west (Sears Automotive Center, Cleanup Site ID 6839, cleanup started). The Harbor Island US Environmental Protection Agency (EPA) Superfund site is located approximately 2000 feet west of the Site. The Site is connected to city water and sewer, and stormwater is managed under the City of Seattle combined sewer overflow system. The closest greenspaces and parks are across I-5, more than 3,500 feet to the east of the Site.

SITE CHARACTERIZATION AND/OR REMEDIATION

In 1992, a 2,500 gallon heating oil underground storage tank (UST) was removed from the property during construction of the building currently present on the property. The tank was in good condition, with no evidence of

SITE HAZARD ASSESSMENT

Recommendation for No Further Action

leaks. Some field evidence of possible petroleum in soil was noted (i.e. a petroleum odor from approximately 3 cubic yards of the stockpiled excavation soil). Soil samples taken from the excavation sidewalls and from the stockpiled excavation soil did not contain total petroleum hydrocarbons (TPH) above laboratory reporting limits. Groundwater was encountered in the excavation but was not sampled. A second UST that had been closed in place in the 1970s was rumored to be present on the property, but neither the UST nor any signs of contamination were found during construction or during follow up investigations in 1994.

The Site briefly entered the Voluntary Cleanup Program in 2007. Ecology recommended installation of a well to determine if groundwater on the Site was contaminated and additional sampling to the east of the UST location. No characterization or remedial actions were performed at this time, and the Site was terminated from the program for lack of activity in 2008.

In November 2016, two monitoring wells were installed at the Site to investigate groundwater. MW-7 is located downgradient of the location of the heating oil UST and MW-8 is upgradient, relative to the current groundwater flow direction (to the west). No contaminants were detected above cleanup levels in soil from either monitoring well boring.

While a groundwater gradient cannot be established from only two wells, groundwater sampling occurred at additional sites within the same block at the same time as the sampling of MW-7 and MW-8. A total of eight wells were used to establish groundwater flow direction (see figures).

Four consecutive quarters of sampling were completed for both Site wells in 2016-2017. MW-8 samples were analyzed for diesel-range TPH; no sample contained diesel-range TPH above laboratory reporting limits. MW-7 samples were analyzed for TPH (via method NWTPH-HCID), polycyclic aromatic hydrocarbons, volatile organic compounds, and metals. The only chemical above reporting limits in any sample was arsenic, present at concentrations below the Method A cleanup level of 5 µg/L.

ADDITIONAL INFORMATION COLLECTED BY THE SITE HAZARD ASSESSOR

Data necessary to complete the assessment was available in site reports.

RECOMMENDATIONS

Justification for re-ranking:

The Site was briefly enrolled in the Voluntary Cleanup Program (VCP) in 2007-2008, but did not receive an opinion due to a lack of groundwater data. The Site was ranked through the Site Hazard Assessment (SHA) process in 2013 based on the possibility of groundwater contamination, and received a rank of 5. Following collection of the 2016-2017 groundwater data, representatives for the Site requested an opinion from the Pollution Liability Insurance Agency (PLIA). PLIA determined that the Site was not eligible for enrollment into their technical assistance programs. This determination was based on the absence of a confirmed release to the environment from the former heating oil UST.

At this time, heating oil tank only sites are not eligible to enter Ecology's VCP program, so a re-ranking of the Site is being done to include the new data and support a No Further Action (NFA) determination.

Findings:

The SHA for the Site performed in 2013 only scored the Site for the groundwater pathway, based on the fact that the "Hazardous substance of concern has not been investigated in groundwater." The 2016-2017 groundwater sampling event provides the data that was missing during the previous SHA.

Based on the fact that no soil sample collected at the Site has exceeded Method A cleanup levels and that four consecutive quarters of groundwater samples have been below Method A cleanup levels, Ecology has determined that the Site requires No Further Action to be in compliance with MTCA.

It is concluded that this Site poses no significant threat to human health and the environment and it is recommended that it receives no further action (NFA) at this time under MTCA [WAC 173-340-310(5)(d)(ii)].

SITE HAZARD ASSESSMENT

Recommendation for No Further Action

REFERENCES

- 1 Earth Consultants Inc. 1992. Heating Oil UST Removal from Property Located at the Corner of First Avenue South and South Forest Street in Seattle, Washington.
- 2 Earth Consultants Inc. 1994. Phase II Evaluation, Sears Auto Center, Seattle, Washington.
- 3 Earth Consultants Inc. 1994. Preliminary Environmental Evaluation, Blocks 342 and 343, Seattle Tide Lands, Seattle, Washington.
- 4 Ecology. 2013. Site Hazard Assessment, Sears Automotive Center H.O.T.
- 5 King County. Accessed 2018. iMap. <https://gismaps.kingcounty.gov/iMap/>
- 6 Landau Associates. 2017. Subsurface Investigation Report for Site Closure, Sears Auto Center Site, Seattle, Washington.
- 7 Marten Law. 2018. Letter re: Request to Delist - Sears Auto Center HOT, Ecology CSID: 4669/FSID: 46247836.
- 8 US Environmental Protection Agency. Accessed 2018. Search for Superfund Sites Where You Live. <https://www.epa.gov/superfund/search-superfund-sites-where-you-live#map>
- 9 WA Dept. of Ecology. Accessed 2018. Lower Duwamish Source Control Map. Available at: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxiccleanup-sites/Lower-Duwamish-Waterway>
- 10 WA Dept. of Ecology. Accessed 2018. What's in My Neighborhood. <https://fortress.wa.gov/ecy/neighborhood/>

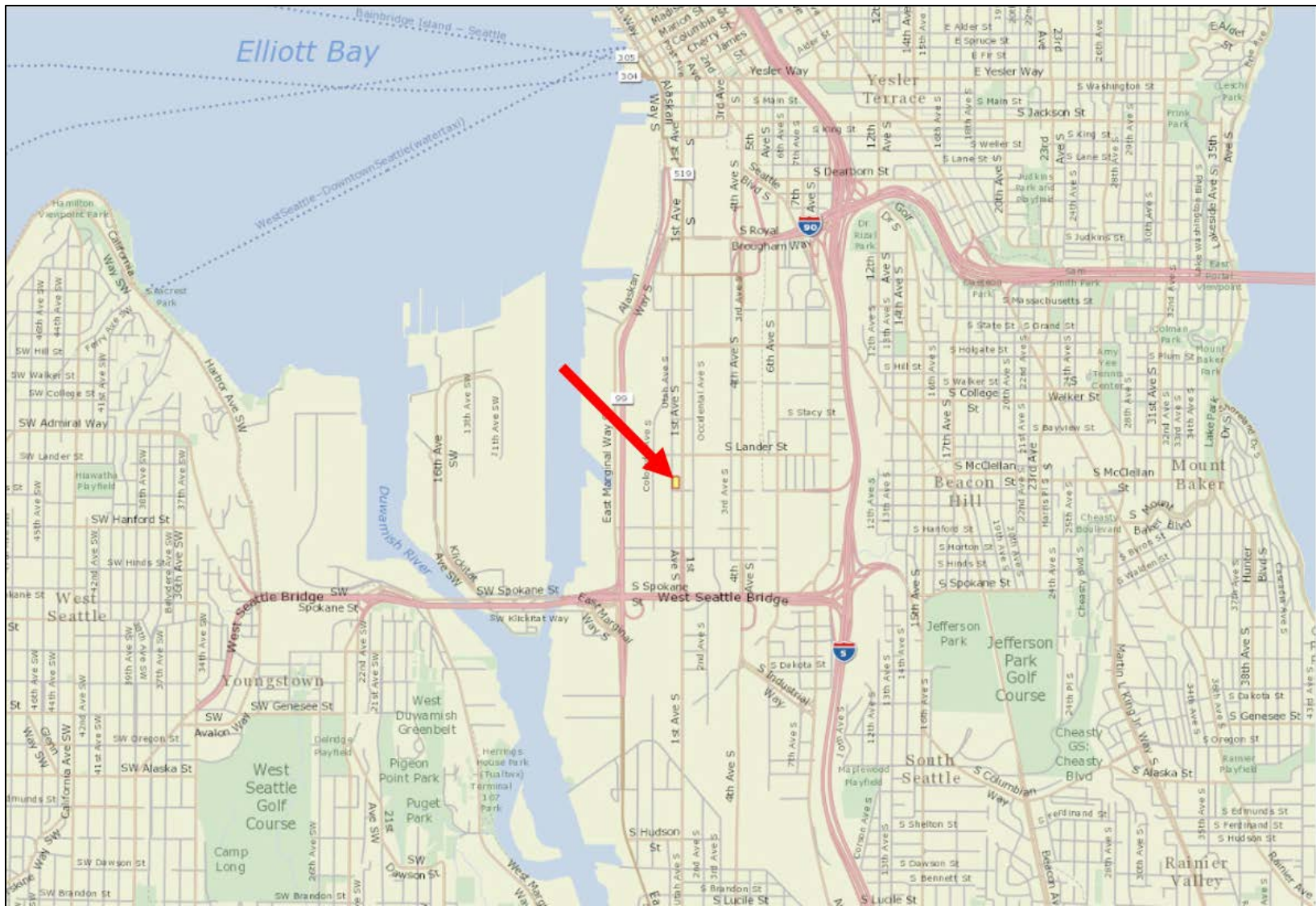


Figure 1. General location of the Site. (basemap from King County Parcel Viewer)

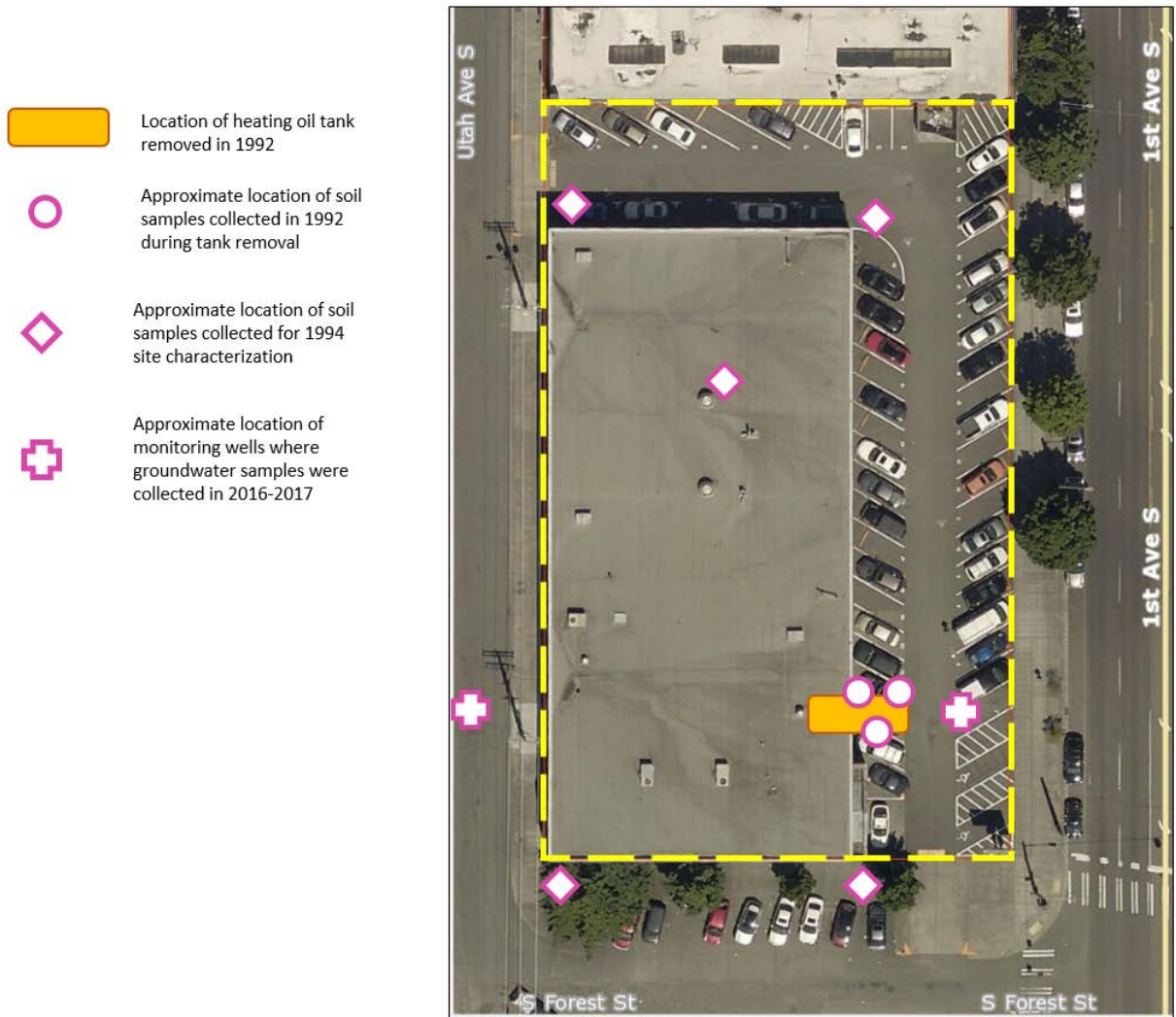


Figure 2. Locations of samples collected during investigations of the Site. The Site boundary, which is the same as the parcel boundary, is indicated with the dashed line. (basemap from King County iMap)

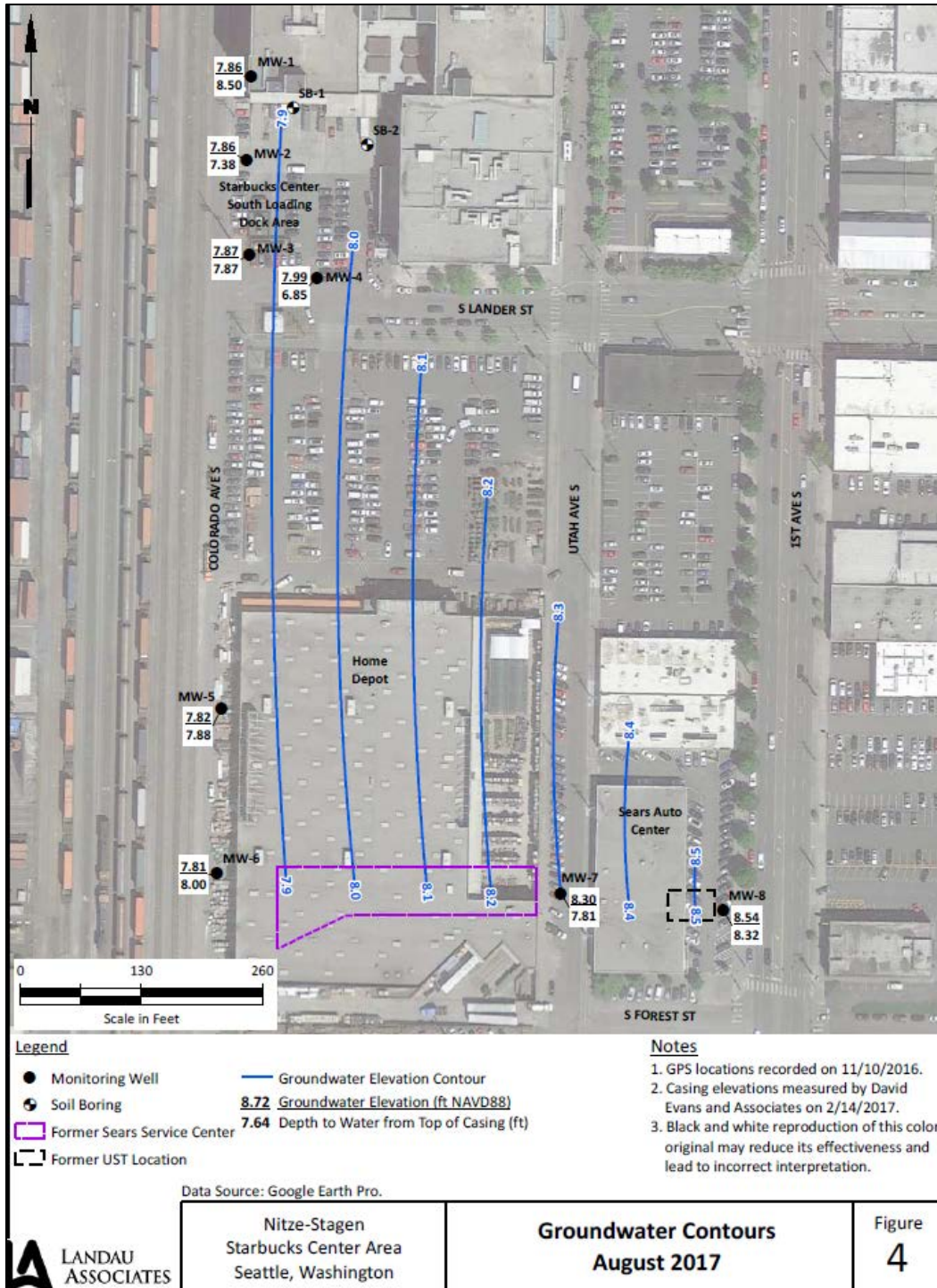


Figure 3. Groundwater contour map from 2017 sampling confirming groundwater flow to the west. Monitoring wells used to assess contamination status at multiple cleanup sites close to the Site were included in this sampling event and used to determine groundwater contours. Only data from MW-7 and -8 were used to assess current contaminant conditions at the Site.