



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 18, 2020

Nick Lenington
Bellevue Investors, LLC
505 5th Avenue South, Suite 900
Seattle, WA 98104

Re: Second Contained-In Determination for F002 Contaminated Soils at the Bellevue Plaza Property in Bellevue, Washington (WAH000053277)

Reference: 1. Letter, Revised Request for Contained-In Determination, Mass Excavation – Bellevue Plaza Property, 117 106th Avenue NE, Bellevue, Washington, June 10, 2020, from Riley Conkin (Farallon Consulting) to D. Yasuda (Ecology), dated June 10, 2020

Dear Nick Lenington:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from your environmental consultant, Farallon Consulting, for specific F002 listed waste perchloroethylene (PCE) contaminated soils to be excavated during mass excavation activities on the property at 117 106th Avenue Northeast in Bellevue, Washington.

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"¹. Ecology understands that these contaminated soils do not designate under federal characteristics (WAC 173-303-090) or State-only criteria (WAC 173-303-100).

Based on the information received and reviewed, Ecology has determined that the **106,100 tons** of perchloroethylene (PCE) contaminated soils to be excavated (**attached figures 8 - 16**) are contaminated with F002 listed dangerous waste constituents (PCE) at concentrations that do not warrant management as dangerous wastes. Ecology will not require disposal of these **106,100 tons** of PCE contaminated soils 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 does not pertain to contaminated water and does not apply to any mixture of contaminated soils and drilling fluids.

¹ Washington State Department of Ecology Contained-in Policy, dated February 19, 1993

You and your environmental consultant, Farallon Consulting 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;
- Any F002 (PCE) dangerous waste groundwater generated (removed from excavated soils or withdrawn from the subsurface) and intended for on-site treatment, must comply with the rules governed by the dangerous waste 'treatment by generator', and treated within 90 calendar days after generation;
- 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 FIRST 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;
- If you load the contaminated soils directly onto the truck bed or the contaminated soils are transported in roll-off bins, the truck or the roll-off bins must be lined with plastic and properly covered to prevent leaks, spills or dispersion due to wind.
- Dispose of the **106,100 tons** of contaminated soils at the permitted solid waste landfill by **October 31, 2020**. This contained-in determination letter is no longer valid after **October 31, 2020** 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 Christa Colouzis, by **November 15, 2020**. At the same time provide an itemized table of all PCE contaminated soils disposed of under this letter. The table shall include at a minimum the following: Date each contaminated soil shipment left the Site; date contaminated soil shipment received by the Ecology approved solid waste landfill; weight of each shipment of contaminated soil; total of all contaminated soil shipments to the Ecology approved solid waste landfill.

In addition, no later than June 30, 2020, July 31, 2020, August 31, 2020, and September 30, 2020, submit to Ecology a running total table of contaminated soils excavated and disposed of using the table criteria described above. The table should include an approximate percentage of total (106,100 tons) contained-in soils removed from the site.

These are important verification steps 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 contaminated soils at all times;
- 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 **106,100 tons** of specified PCE contaminated soils to be generated during excavation activities from areas described in your request (reference 1). It does not apply to any other media. Any data used for this contained-in determination is intended only 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. Local agencies may have the authority to impose additional requirements on this waste stream.

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 this property. Ecology highly recommends that you and your consultant properly characterize the soils beneath the former Jiffy Lube business for lead, benzene and other dangerous waste constituents that are likely present in order to comply with the dangerous waste regulations (Chapter 173-303 WAC).

Furthermore, this Ecology letter is not a No Further Action (NFA) letter and is not

written approval for:

- a. Any cleanup document or cleanup action plan you may have submitted. This letter is not approval for any portion of cleanup documents you plan to submit to Ecology in the future, under MTCA. One example: Ecology notes that you propose to discharge treated groundwater to a local storm system with eventual discharge into Lake Washington under an Ecology Construction Stormwater General Permit. There may be negative impacts to the clean and contaminated groundwater below the site, or other environmental receptors that have not received Ecology Toxics Cleanup Program (TCP) comment or approval.
- b. Any soil disposal as clean soil (not contaminated above analytical detection limits) because you are assuming (and Ecology did not verify) there is no contamination present under your CID proposal. This decision is outside the scope of a contained-in determination proposal, and it is solely your responsibility to verify you have adequate soil analytical data to make this determination (independent cleanup).
- c. Any TPH contaminated soils for solid waste disposal. This decision is outside the scope of a contained-in determination proposal, and it is solely your responsibility to verify you have adequate soil analytical data to make this determination (independent cleanup).

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).

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.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean Yasuda".

Dean Yasuda, PE
Hazardous Waste and Toxics Reduction Program

Attachment: Figures 8 – 16

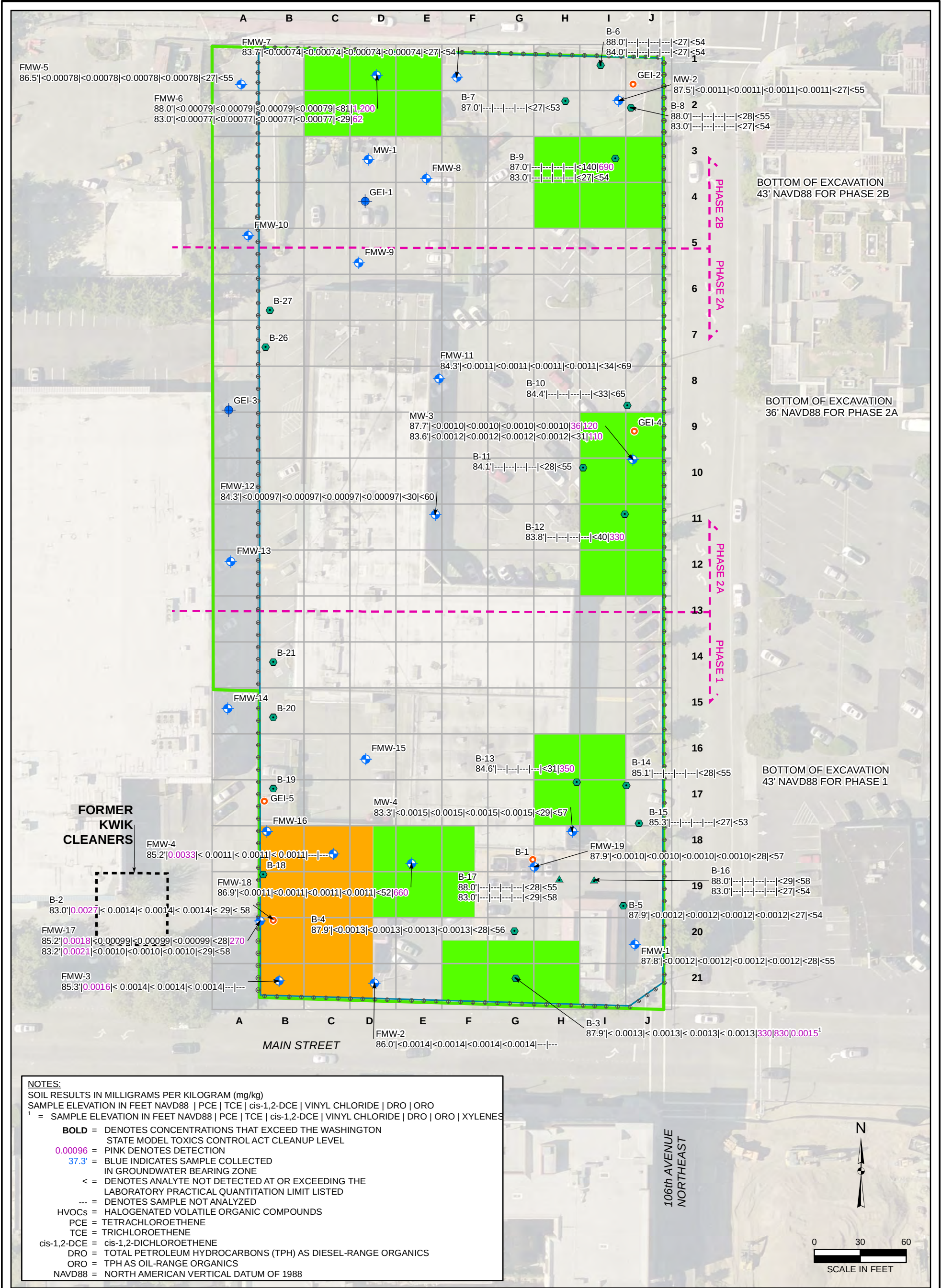
Nick Lenington

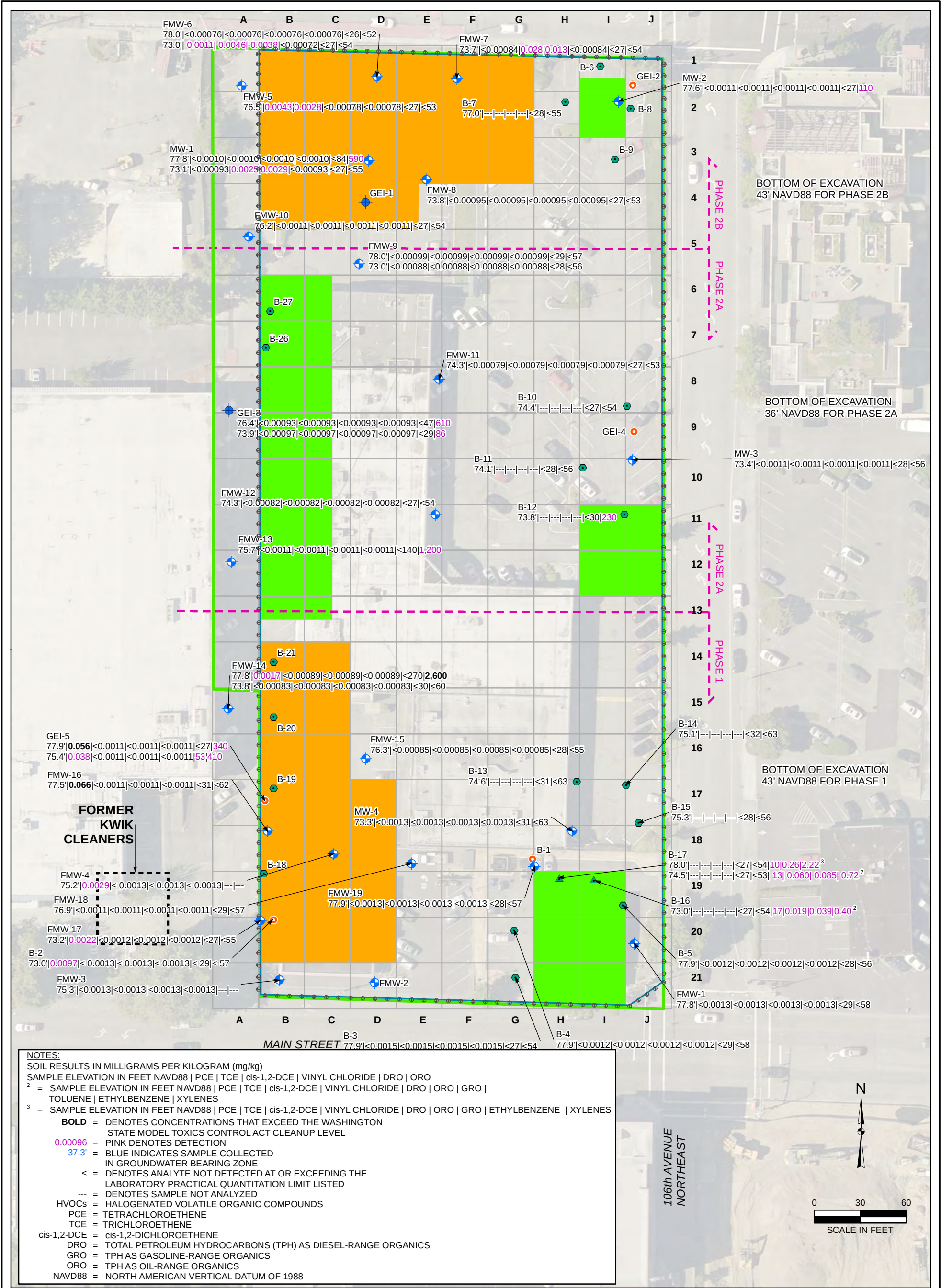
June 18, 2020

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Sent by Certified Mail: 9171 9690 0935 0232 6497 84

ecc: Eyasu Ayalew, Seattle-King County Public Health, eyayalew@kingcounty.gov
Darshan Dhillon, Seattle-King County Public Health, darshan.dhillon@kingcounty.gov
Riley Conkin, Farallon Consulting, LLC
Greg Caron, Ecology
Mindy Collins, Ecology
Christa Colouzis, Ecology
Chuck Hoffman, Ecology
Mathew Kwartin, Ecology
Donna Musa, Ecology
Mike Warfel, Ecology
Karen Wood, Ecology





LEGEND

- SHALLOW MONITORING WELL
- DEEP MONITORING WELL
- SHALLOW BORING - ANGLED
- SHALLOW BORING
- DEEP BORING WITH INCLINOMETER CASING
- CONSTRUCTION PHASE BOUNDARY
- MASS EXCAVATION AREA
- HISTORICAL FEATURE
- ESTIMATED AREA OF PETROLEUM CONTAMINATED SOIL
- ESTIMATED AREA OF CONTAINED-OUT SOIL
- EXCAVATION GRID (30'X30')
- BELLEVUE PLAZA PROPERTY BOUNDARY
- PLANNED SHORING PILE LOCATION

- NOTES:
- ALL LOCATIONS ARE APPROXIMATE.
 - FIGURES WERE PRODUCED IN COLOR. GRAYSCALE COPIES MAY NOT REPRODUCE ALL ORIGINAL INFORMATION.



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Checked By: LS

Date: 5/12/2020

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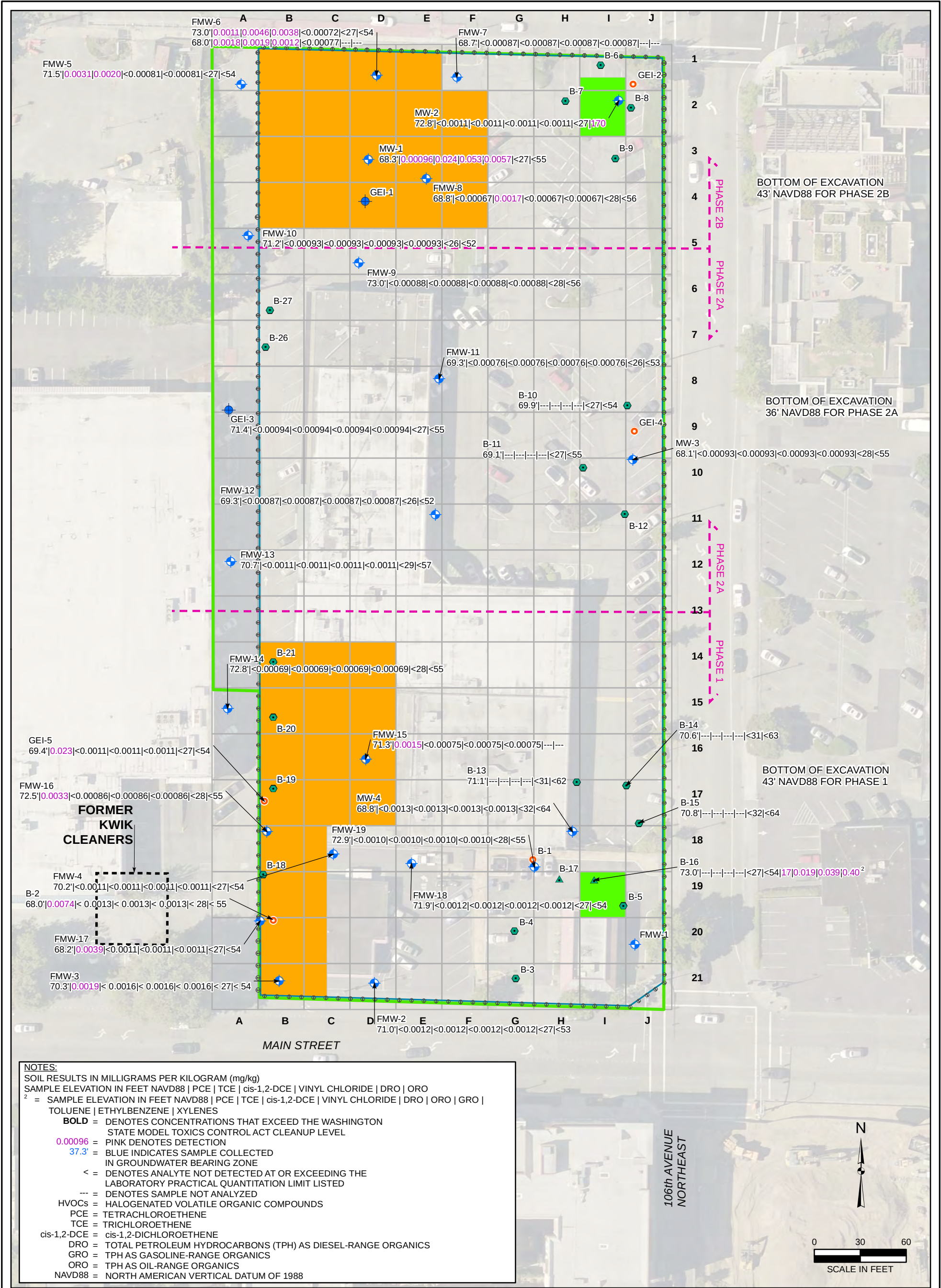
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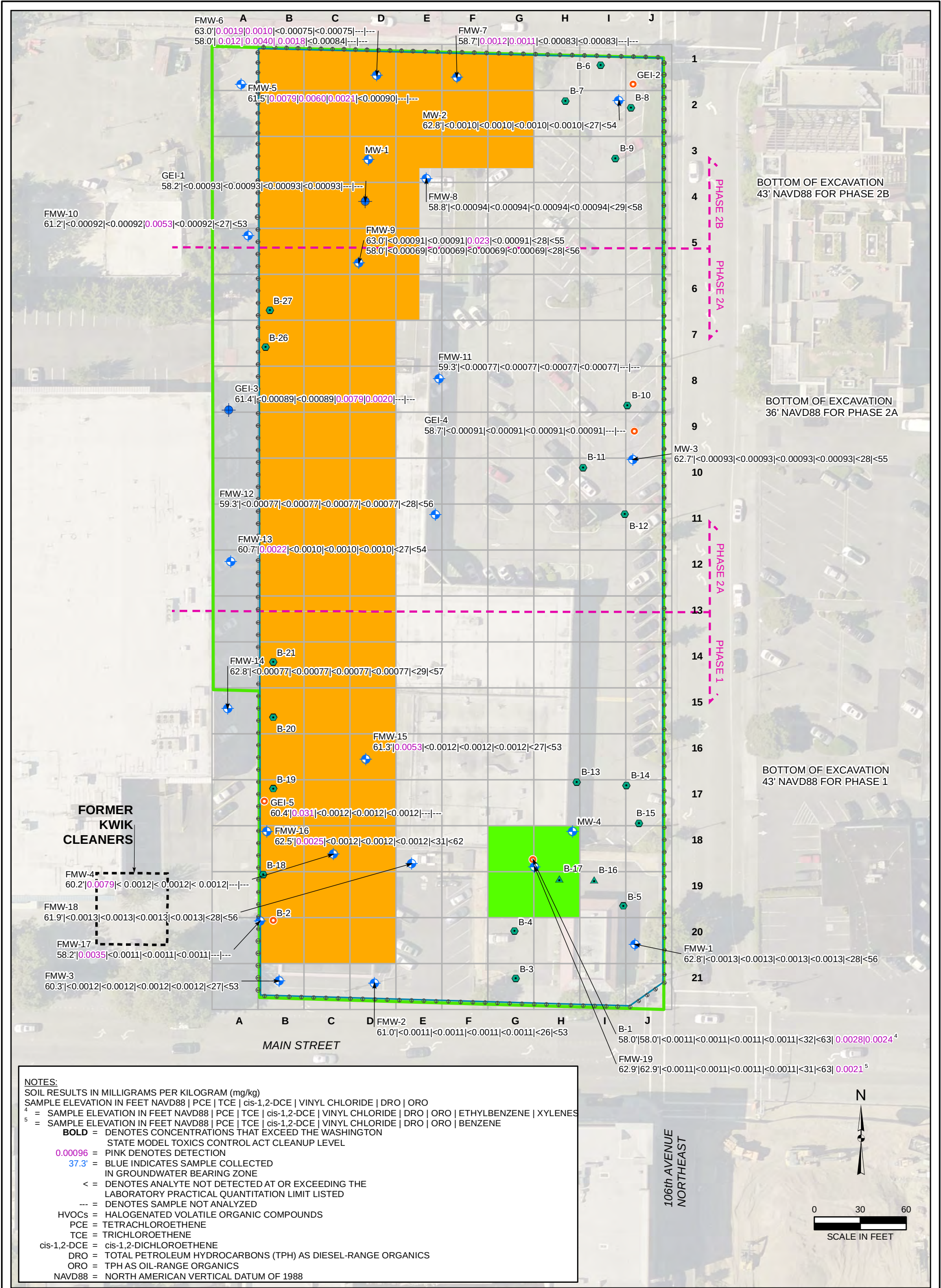
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FIGURE 10
ESTIMATED EXCAVATION AREAS
CONTAMINATED SOIL
78-73 FEET NAVD88
BELLEVUE PLAZA PROPERTY
117 106th AVENUE NORTHEAST,
10502 AND 10510 MAIN STREET
BELLEVUE, WASHINGTON
FARALLON PN: 397-034

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NOTES:
SOIL RESULTS IN MILLIGRAMS PER KILOGRAM (mg/kg)
SAMPLE ELEVATION IN FEET NAVD88 | PCE | TCE | cis-1,2-DCE | VINYL CHLORIDE | DRO | ORO
⁴ = SAMPLE ELEVATION IN FEET NAVD88 | PCE | TCE | cis-1,2-DCE | VINYL CHLORIDE | DRO | ORO | ETHYLBENZENE | XYLENES
⁵ = SAMPLE ELEVATION IN FEET NAVD88 | PCE | TCE | cis-1,2-DCE | VINYL CHLORIDE | DRO | ORO | BENZENE
BOLD = DENOTES CONCENTRATIONS THAT EXCEEDED THE WASHINGTON STATE MODEL TOXICS CONTROL ACT CLEANUP LEVEL
0.00096 = PINK DENOTES DETECTION
37.3' = BLUE INDICATES SAMPLE COLLECTED IN GROUNDWATER BEARING ZONE
< = DENOTES ANALYTE NOT DETECTED AT OR EXCEEDING THE LABORATORY PRACTICAL QUANTITATION LIMIT LISTED
--- = DENOTES SAMPLE NOT ANALYZED
HVOCs = HALOGENATED VOLATILE ORGANIC COMPOUNDS
PCE = TETRACHLOROETHENE
TCE = TRICHLOROETHENE
cis-1,2-DCE = cis-1,2-DICHLOROETHENE
DRO = TOTAL PETROLEUM HYDROCARBONS (TPH) AS DIESEL-RANGE ORGANICS
ORO = TPH AS OIL-RANGE ORGANICS
NAVD88 = NORTH AMERICAN VERTICAL DATUM OF 1988

LEGEND

- SHALLOW MONITORING WELL
- DEEP MONITORING WELL
- SHALLOW BORING - ANGLED
- SHALLOW BORING
- DEEP BORING WITH INCLINOMETER CASING
- CONSTRUCTION PHASE BOUNDARY
- MASS EXCAVATION
- HISTORICAL FEATURE
- EXCAVATION GRID (30'X30')
- BELLEVUE PLAZA PROPERTY BOUNDARY
- ESTIMATED AREA OF PETROLEUM CONTAMINATED SOIL
- ESTIMATED AREA OF CONTAINED-OUT SOIL
- PLANNED SHORING PILE LOCATION

NOTES:
1. ALL LOCATIONS ARE APPROXIMATE.
2. FIGURES WERE PRODUCED IN COLOR. GRAYSCALE COPIES MAY NOT REPRODUCE ALL ORIGINAL INFORMATION.



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FIGURE 13
ESTIMATED EXCAVATION AREAS
CONTAMINATED SOIL
63-58 FEET NAVD88
BELLEVUE PLAZA PROPERTY
117 106th AVENUE NORTHEAST,
10502 AND 10510 MAIN STREET
BELLEVUE, WASHINGTON
FARALLON PN: 397-034

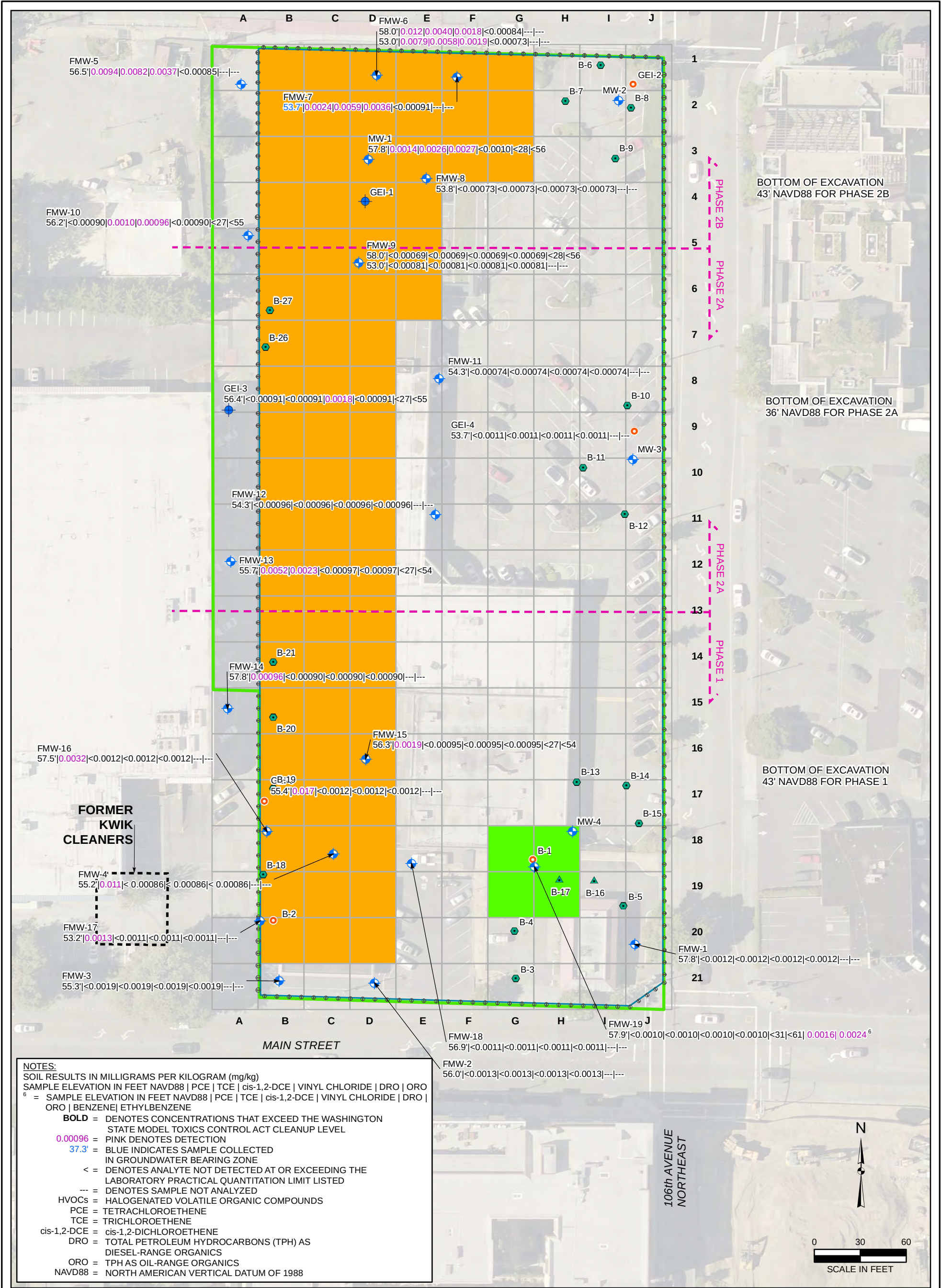
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LEGEND

- SHALLOW MONITORING WELL
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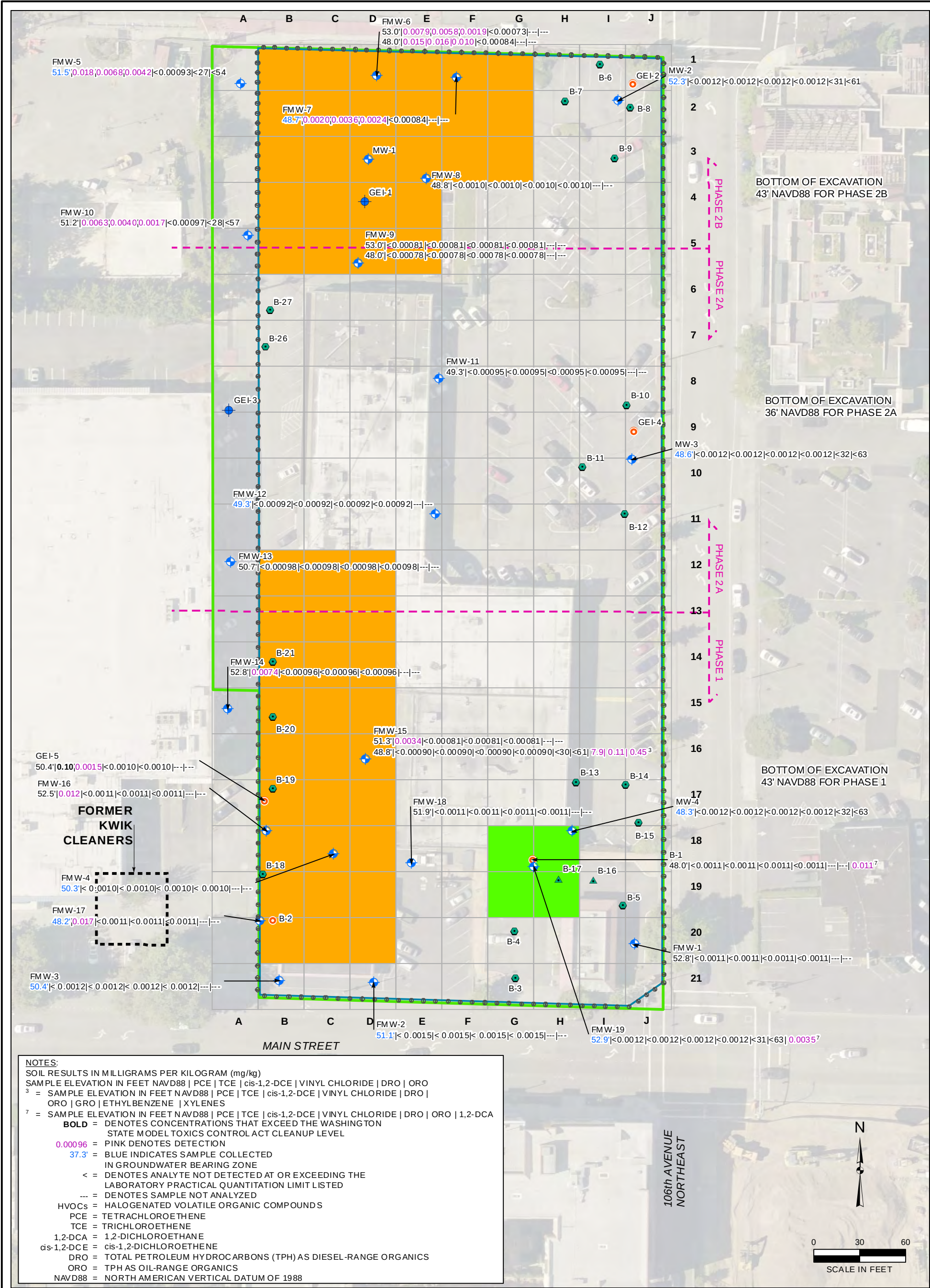
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FIGURE 14
ESTIMATED EXCAVATION AREAS
CONTAMINATED SOIL
58-53 FEET NAVD88
BELLEVUE PLAZA PROPERTY
117 106th AVENUE NORTHEAST,
10502 AND 10510 MAIN STREET
BELLEVUE, WASHINGTON
FARALLON PN: 397-034



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⁷ = SAMPLE ELEVATION IN FEET NAVD88 | PCE | TCE | cis-1,2-DCE | VINYL CHLORIDE | DRO | ORO | 1,2-DCA
BOLD = DENOTES CONCENTRATIONS THAT EXCEED THE WASHINGTON STATE MODEL TOXICS CONTROL ACT CLEANUP LEVEL
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--- = DENOTES SAMPLE NOT ANALYZED
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PCE = TETRACHLOROETHENE
TCE = TRICHLOROETHENE
1,2-DCA = 1,2-DICHLOROETHANE
cis-1,2-DCE = cis-1,2-DICHLOROETHENE
DRO = TOTAL PETROLEUM HYDROCARBONS (TPH) AS DIESEL-RANGE ORGANICS
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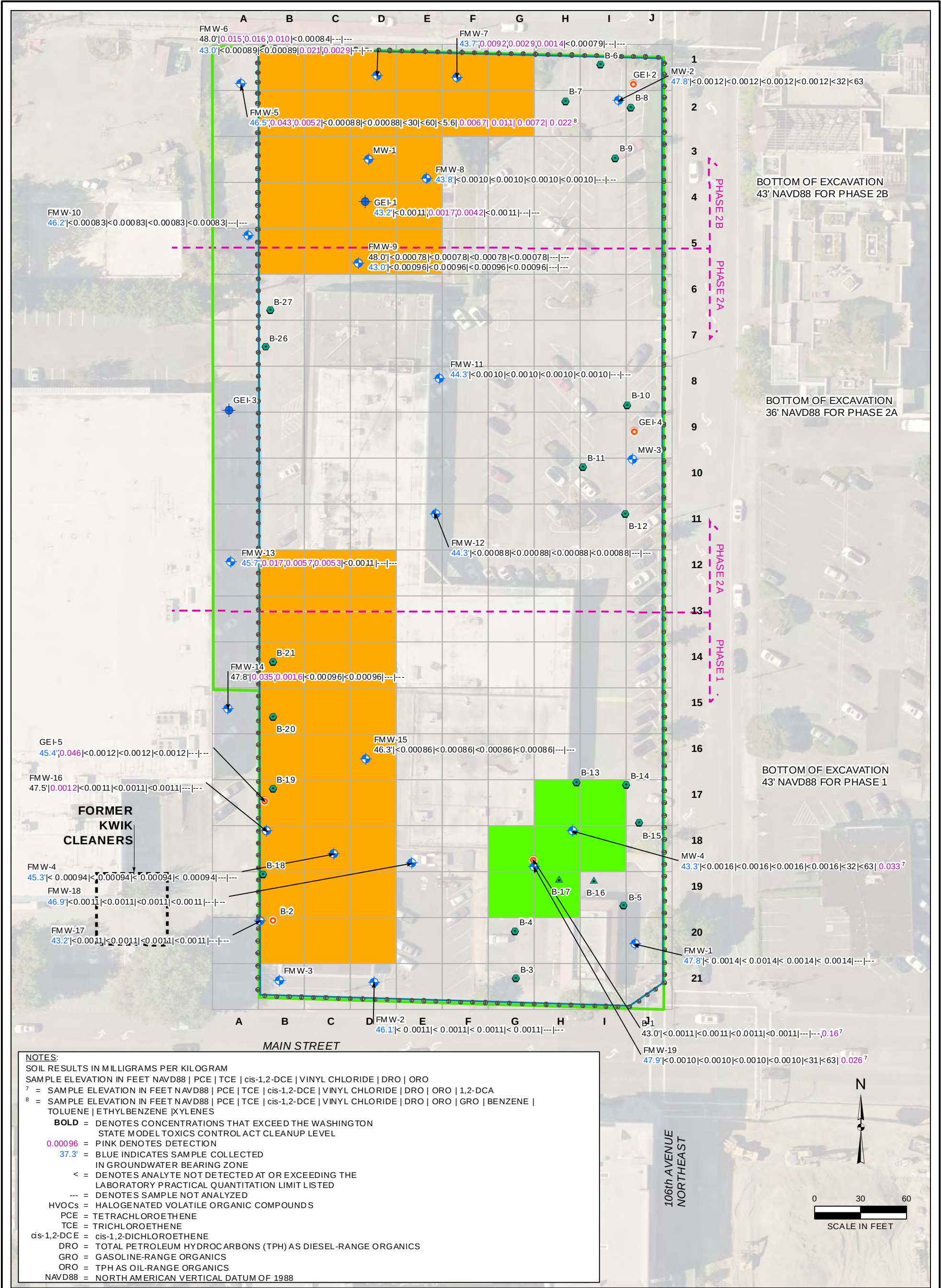
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FIGURE 15
ESTIMATED EXCAVATION AREAS
CONTAMINATED SOIL
53-48 FEET NAVD88
BELLEVUE PLAZA PROPERTY
117 106th AVENUE NORTHEAST,
10502 AND 10510 MAIN STREET
BELLEVUE, WASHINGTON
FARALLON PN: 397-034



NOTES:
SOIL RESULTS IN MILLIGRAMS PER KILOGRAM
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7 = SAMPLE ELEVATION IN FEET NAVD88 | PCE | TCE | cis-1,2-DCE | VINYL CHLORIDE | DRO | ORO | 1,2-DCA
8 = SAMPLE ELEVATION IN FEET NAVD88 | PCE | TCE | cis-1,2-DCE | VINYL CHLORIDE | DRO | ORO | GRO | BENZENE |
TOLUENE | ETHYLBENZENE | XYLENES
BOLD = DENOTES CONCENTRATIONS THAT EXCEED THE WASHINGTON
STATE MODEL TOXICS CONTROL ACT CLEANUP LEVEL
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TCE = TRICHLOROETHENE
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ORO = TPH AS OIL-RANGE ORGANICS
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- LEGEND**
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FIGURE 16
ESTIMATED EXCAVATION AREAS
CONTAMINATED SOIL
48-43 FEET NAVD88
BELLEVUE PLAZA PROPERTY
117 106th AVENUE NORTHEAST,
10502 AND 10510 MAIN STREET
BELLEVUE, WASHINGTON
FARALLON PN: 397-034