



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

May 7, 2007

Mr. Kevin Daniels
First & Utah Street Associates, LLC
2401 Utah Ave. S Ste 305
Seattle, WA 98134

Re: Opinion pursuant to WAC 173-340-515(5) on Proposed Remedial Action for the following Hazardous Waste Site:

- Name: Former Sears Automotive Center (The Home Depot)
- Address: 2753 Utah S. Seattle, WA
- Facility/Site No.: 90796658
- VCP No.: NW1755

Dear Mr. Daniels:

Thank you for submitting documents regarding your proposed remedial action for the Former Sears Automotive Center (The Home Depot) facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether your proposed remedial action is likely to be sufficient to meet the specific substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Petroleum Hydrocarbons, Metals in soil;
- Petroleum Hydrocarbons, Metals in groundwater.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



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Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. *Property Transfer Investigation, Sears Roebuck and Company Property*, dated 12/09/1988 Chemical Processors Inc.
2. *Sears Retail Property Site Assessment*, dated 12/16/1988 Sweet/EMCON
3. *Geotechnical Engineering Study*, dated 10/23/1991 Earth Consultants, Inc.
4. *Interim Independent Cleanup Action Report*, dated 01/14/1993 Alton Geoscience
5. *Phase I Environmental Assessment*, dated 12/07/1993 Science & Engineering Analysis Corporation (SEACOR).
6. *Preliminary Environmental Evaluation*, dated 10/25/1994 Earth Consultants, Inc.
7. *Phase I Environmental Site Assessment (ESA) of Starbucks Center*, dated March 1998 ENSR.
8. *Phase I ESA Update of Starbucks Center*, dated September 2002 ENSR.
9. *Phase I ESA Update of Starbucks Center*, dated August 2006 ENSR.
10. *Groundwater Monitoring Well Installation Proposal*, dated 03/13/2007 Environmental Associates, Inc.
11. VCP Application packet, accepted into the VCP 03/29/2007 First & Utah Street Associates, LLC.
12. Maps of the Site from various environmental reports, compiled by Environmental Associates, Inc.
13. CD Data Disc titled *First & Utah Street Associates LLP, Electronic Documents in Support of VCP Application for 2753 Utah Ave. South Site*, dated 03/26/2007 Marten Law Group.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at 425-649-7239.

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The Site is defined by the extent of contamination caused by the following release(s):

- Petroleum Hydrocarbons in soil;
- Petroleum Hydrocarbons in groundwater.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of your proposed remedial action and supporting documentation listed above, **Ecology has determined that the proposed remedial action is not likely to be sufficient to meet the specific substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:**

- Petroleum Hydrocarbons, Metals in groundwater,
- Petroleum Hydrocarbons, Metals in soil.

At the time of the underground storage tank removal in 1992, groundwater was encountered at the depth of the excavation pit (8ft bgs). However, no groundwater analysis was performed. Soil sampling at depth of excavation determined PCS remained in soil above MTCA cleanup standards (13,520 ppm to 37,300 ppm). The location of the proposed three monitoring wells may be sufficient to determine the gradient of the groundwater and if any contaminated groundwater is migrating onto the site from any off site sources.

If groundwater is found to be contaminated additional groundwater investigation may be required. Also, if groundwater is found to be impacted at the proposed location of MW-1, additional wells will be required to determine if contaminated groundwater is migrating to Elliott Bay.

The lateral extent of petroleum contaminated soils (PCS) was not properly addressed during the Underground Storage Tank removal or in the subsequent reports listed above. Therefore, at the minimum, proper soil sampling must be performed during the construction of the three proposed groundwater monitoring wells as described in the report *Groundwater Monitoring Well Installation Proposal*, dated 03/13/2007 Environmental Associates, Inc. If contamination is found at these locations, additional sampling may be required.

Specific analysis in the above required sampling events should include; PAH, total TPH (automotive related) gasoline & diesel range, fuel additives, solvents, oils & greases. Additionally, please include the following automotive related heavy metals; Cadmium, Chromium, Copper, Lead, Nickel & Zinc analysis will be required.

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This opinion does not represent a determination by Ecology that the proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit an independent remedial action report to Ecology upon completion of the remedial action and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

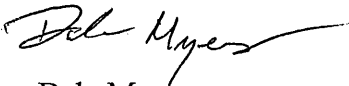
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at 425-649-4446.

Sincerely,

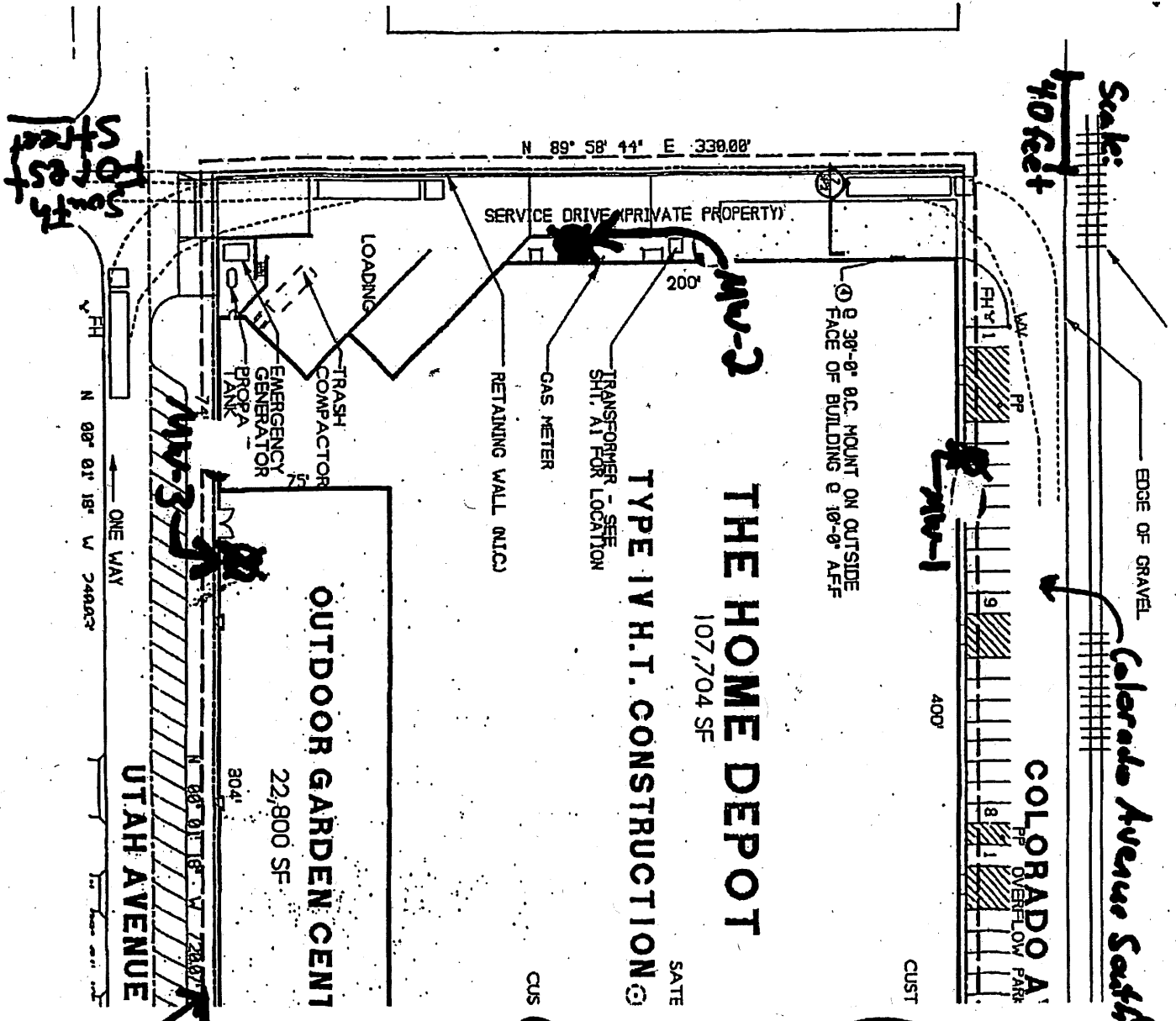


Dale Myers
Toxics Cleanup Program

dm:nr

Enclosures: 1

cc: Chris Cass, Environmental Associates, Inc.



Home Depot
2753 Utah Ave. S
 Salt Lake, UT

"Site Plan"

→ North

⊗ **Approximate**
Proposed boring/
Monitoring well
locations
(MW1, MW-2, & MW-3)

property line