



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 24, 2012

Ms. Martha Barkman
Harbor Urban LLC.
1411 4th Avenue, Suite 500
Seattle, WA 98101

**Re: Opinion Pursuant to WAC 173-340-515(5) on Reports Submitted for the Following
Hazardous Waste Site:**

- Name: Jones Building
- Address: 4608 36th Ave SW Seattle, WA 98126
- Facility/Site No.: 51248918
- VCP No.: NW2599

Dear Ms. Barkman:

Thank you for submitting documents regarding your proposed remedial action for the Jones Building (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 a review of submitted documents/reports pursuant to 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:

- Gasoline range petroleum range hydrocarbons (tph-g), benzene, ethylbenzene, toluene, and xylenes (BTEX).

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. Phase I Environmental Site Assessment Kirkman and Sweeney Properties, dated December 11, 2007, prepared by G-Logics.
2. Subsurface Soil Assessment West Seattle Motel, Kirkman and Sweeney Properties, dated January 2, 2008, prepared by G-Logics.
3. Phase I Environmental Site Assessment Nova Property, dated July 5, 2011, prepared by G-Logics.
4. Onsite Technical Assistance Report Nova Property (formerly Kirkman-Sweeny), dated October 6, 2011, prepared by G-Logics.
5. Technical Assistance Report for Development-Excavation Nova Property (formerly Kirkman-Sweeny), dated February 15, 2012, prepared by G-Logics.

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.

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

- Gasoline range petroleum range hydrocarbons (tph-g), benzene, ethylbenzene, toluene, and xylenes (BTEX).

Based on a review of supporting documentation listed above, pursuant to **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, Ecology has determined:**

- A stand alone Final Cleanup Report should be drafted and submitted to Ecology for review.
- The Final Cleanup report should detail all Site remedial investigations, and a full characterization of the nature and extent of contamination which resulted from the release.
- In addition to soil and vapor investigations, ***groundwater must be investigated.*** Once the Site has been fully characterized, the Terrestrial Ecological Evaluation should be performed and then an appropriate cleanup standard shall be selected.
- A more detailed description of the excavation activities at the Site should be included in the Final Cleanup report. A map depicting conformational sampling at the limits of the excavation should be submitted in the Final Cleanup report. These conformational

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samples should be identified in a table which includes sample depth and GPS data. The map should depict the exact property boundary, as it is not clear if the excavation went to the property boundary or just shy of the boundary. Also, was the excavation wall vertical or sloped?

- Since this is a property cleanup, what engineering controls are in place to prevent the recontamination of the property?

This opinion does not represent a determination by Ecology that a 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 appropriate documentation to Ecology 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) 649-7038.

Sincerely,



Russell E. Olsen, MPA
VCP Unit Supervisor
Toxics Cleanup Program

cc: Mr. Dan Hatch, G-Logics