



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 13, 2009

Kevin Daniels  
Daniels Development Co, LLC  
2401 Utah Ave South, Suite 305  
Seattle, WA 98134

**Re: Opinion pursuant to WAC 173-340-515(5) on *Revised Work Plan Supplemental Remedial Investigation North Lot Development Seattle, Washington* for the following Hazardous Waste Site:**

- Name: North Lot Development
- Property Address: 201 South King Street, Seattle, WA 98104
- Facility/Site No.: 5378137
- VCP Project No.: NW1986

Dear Mr. Daniels:

Thank you for submitting the document regarding your proposed remedial action for the North Lot Development 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 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 hydrocarbons (TPH-G), diesel-range petroleum hydrocarbons (TPH-D), motor oil-range petroleum hydrocarbons (TPH-O), benzene, toluene, ethylbenzene, xylenes (BTEX) in soil and ground water;
- Polycyclic aromatic hydrocarbons (PAHs) in soil and ground water;
- Arsenic in soil and ground water.

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



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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.

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

1. July 7, 2009, *Revised Work Plan, Supplemental Remedial Investigation, North Lot Development, Seattle, Washington*, prepared by Landau Associates
2. July 7, 2009, *Re: Ecology Opinion Letter Dated April 21, 2009, North Lot Development, 201 South King Street, Seattle, Washington 98104, VCP Project No.: NW1986*. Letter from Timothy L. Syverson and Kristy J. Hendrickson, Landau Associates to Jing Liu and Mark Adams, Department of Ecology

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) 649-7190.

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

- TPH-G, TPH-D, TPH-O, BTEX in soil and ground water;
- PAHs in soil and ground water;
- Arsenic in soil and ground water.

Ecology issued an opinion letter on April 21, 2009, which included specific comments regarding the Remedial Investigation portion of the Draft RI/FS report. In that letter, Ecology required further Site characterization. The Site is more particularly described in Enclosure A to that letter, which includes a detailed Site diagram.

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:**

- It is likely that implementation of the July 7, 2009 Revised Work Plan will provide sufficient data to address the comments in Ecology's April 21, 2009 opinion letter.

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**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) 649-4310.

Sincerely,



<sup>for</sup>  
Jing Liu  
NWRO Toxics Cleanup Program

jl/ma/ kp

cc: Kathy Brown, King County  
Tim Syverson and Kristy Hendrickson, Landau Associates, Inc.  
Alan Cornell, Nitze-Stagen  
Charles R. Wolfe, Counsel for North Lot Development, LLC

