

Lauren Carroll

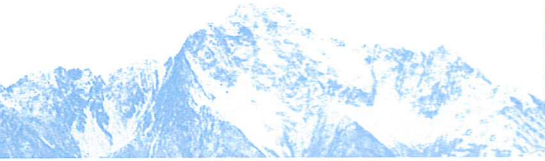
One of the stated purposes of the proposed rule change (page 2) is, "...maintain federal approval of the state's UST program, as required by Chapter 70A.355 RCW. I do not think that Washington is worthy of maintaining federal approval of the state's underground storage tank (UST) program, and that it should be taken over by the USEPA.

An example follows:

In 2017, Pacific Crest Environmental provided documentation to Ecology regarding the discovery of an orphan UST on a neighboring property we were investigating, but which did not belong to our client. On February 17, 2017, a report was filed with Ecology that included photos, description and location of the UST, and referenced the owner's removal obligations in accordance with WAC 173-160. In a response letter received from Ecology, received fourteen months later, on April 30, 2018, Ecology stated: "Ecology agrees that the orphan UST, if present, should be properly decommissioned...However, photographs provided in the report do not clearly show the presence of a UST" (Report attached).

There were indeed two USTs on this property, which were removed in 2020 under the direction of UST Certified Site Assessor Brandon Miller of CDM. However, CDM's UST site assessment checklist was not prepared by Brandon Miller, and the person that prepared the checklist was not on-site any time during the removal activities. Ecology has been made aware of this situation, but does not appear to concern itself with such mundane matters as UST regulations.

Ecology's UST program is to be at least as stringent as those promulgated under 40 CFR 281 to maintain state program approval. I don't think we're there.



PACIFIC CREST ENVIRONMENTAL

1531 BENDIGO BOULEVARD NORTH · PO Box 952 · NORTH BEND, WA 98045
T 425.888.4990 F 425.888.4994

February 14, 2017

Ms. Heather Vick
Voluntary Cleanup Program – NWRO
Washington State Department of Ecology
3190 160th Avenue SE
Bellevue, Washington 98008

**RE: ROBBINS PROPERTY PIPE STUB INVESTIGATION
JURGENSEN TRUST AND ROBBINS PROPERTY (AKA UPTOWN BAKERY)
513-525 QUEEN ANNE AVENUE NORTH
SEATTLE, WASHINGTON 98109
VCP NO.: NW 2261**

PACIFIC CREST PROJECT NO: 108-004

Dear Ms. Vick:

This letter report has been prepared by Pacific Crest Environmental, LLC (Pacific Crest) for the Washington State Department of Ecology (Ecology) to present the results of an investigation into the nature of three pipe stubs (Pipe Stub Investigation) identified in the northern portion of the Robbins Property, which is within the Jurgensen Trust and Robbins Property Site (the Site) (Figure 1). The three pipe stubs (Pipe 1, Pipe 2, and Pipe 3) were identified during subsurface investigation activities conducted at the Site in 2011 (Figure 2). The objective of the Pipe Stub Investigation was to determine the function and nature of the pipes and whether they may be associated with a potential contaminant source.

BACKGROUND

In December 2015, Pacific Crest submitted the *Compliance Groundwater Monitoring Report and Property-Specific No Further Action Request* (NFA Request) to Ecology requesting a Property-Specific NFA determination for the Robbins Property based on four consecutive quarters of groundwater data compliant with the Model Toxics Control Act (MTCA) (Chapter 173-340 WAC). In response to the NFA Request, Ecology issued an advisory opinion letter (Opinion Letter), dated May 18, 2016, providing comment that an NFA was not possible at that time based on the deduction that the pipe stubs may represent fill ports related to three alleged 1910s-era “gasol” underground storage tanks (USTs), and as such, may represent a source of soil contamination. The alleged USTs were identified on Sanborn Maps of the area dated 1917 and 1950, in association with a former building on the Jurgensen Trust Property.

A summary of the development history of the Jurgensen Trust and Robbins Properties is as follows:

- The properties were first developed between 1893 and 1905. The Jurgensen Trust Property was initially developed with single family dwellings, and the Robbins Property with a small store and residential dwelling.
- The dwellings on the Jurgensen Trust Property were removed and replaced with a commercial building in the southern portion, and a residential (apartment) building in the northern portion in 1910. From the 1910s through 1957, “Queen Anne Dye Works” (QADW), a clothes dyeing and dry cleaning business, operated in the commercial building (southern portion), in which the alleged “gasol” USTs were located. In 1958, the three story QADW building was demolished and replaced by the existing single story building, which has a dissimilar footprint.¹ The construction of the building included a 5-foot grade cut on the Jurgensen side, necessitating the construction of a retaining wall between the Jurgensen Trust and Robbins properties.
- In 1926, the original structure in the northern portion of the Robbins Property was demolished and replaced with the existing commercial building. Between 1950 and 1969, an addition was added to the western portion of the Robbins Property (Building Addition).

SCOPE OF WORK

Pacific Crest conducted the following scope of work to conduct the Pipe Stub Investigation:

- The locations of underground utilities in the vicinity of the pipe stubs were identified using a public One-Call locating service and a private utility locating company.
- A conductible locating device and metal detector were used to trace the extent of subgrade portions of the pipes.
- An air/vacuum excavation was conducted to expose subgrade portions of the pipes, and to identify the nature of subgrade attachments.
- The investigation area was documented with photographs, and identified objects were described and recorded on a scaled site plan.
- The excavated soil and accessible subsurface areas were field analyzed using visual and olfactory observations and a photoionization detector (PID) to assess the potential for petroleum impacts.
- The excavation area was backfilled with the removed material.

¹ It is notable that the only historical documents referencing the “gasol” USTs were 1917 and 1950 Sanborn “Fire Insurance” Maps. The 1969 Sanborn map, with the existing building, does not show the USTs.

SITE ACTIVITIES

The field activities were conducted in the northwest portion of the Robbins Property on October 26, 2016. The features in the northwest portion of the Robbins Property include a gravel parking area, a covered patio, and a Building Addition with a fenced walkway located north-adjacent of the Building Addition. The pipe stubs are located west-adjacent of the northwest corner of the Building Addition (Figure 2).

The field activities were directed by Pacific Crest and are presented in chronological narrative form below. CDM Smith, the environmental consultant for the Robbins Property, was also on-site to observe the activities. A photographic log is provided as Attachment A.

- Applied Professional Services (APS) performed a utility locate prior to the excavation activities. As part of this work, APS attached a conductible locator to the top of each pipe stub and explored the signal trace in all directions to the extent of each pipe. Based on magnetic readings, APS followed the signal from the surface location of each pipe, detecting that the signal trace from all three pipes extended to the east, to the Building Addition and walkway. Due to the walkway north of the Building Addition being fenced and locked, APS was limited in following the full signal extent, but stated that the pipes appeared to connect to the northwest corner of the Building Addition, and likely extended directly east along the northern wall of the Building Addition. In addition, wiring present extending from the Robbins Property building at the southeast corner of the Building Addition was determined to be conductively grounded to the same source as the three exposed pipe stubs. APS also examined the area between the pipe stubs and the retaining wall/Jurgensen Trust Property to the north and found no indication of a conductible signal trace to the north. Upon completion of the conductible locate, the APS locating crew departed the Site.
- Following departure of the APS locating crew, the APS vacuum excavation crew arrived on site with a System 4000 Air/Vacuum Excavation truck. Excavation began around Pipe 1. At a depth of approximately 3.3-feet below ground surface (bgs), APS discovered that Pipe 1 was connected to a flat, steel surface. Excavation continued towards Pipe 3, which exposed a fourth pipe (Pipe 4) between Pipe 1 and Pipe 2. Pipe 4 terminated at approximately 3-inches bgs, preventing observation prior to excavation. All four pipes were connected to the flat surface of a cylindrical steel UST approximately 4.0-feet in diameter by 4.5-feet in height (approximately 420 gallons in capacity). When struck, the UST sounded hollow or partially-hollow. Loose piping that was not connected to the UST was discovered within the excavation area, which included a 1-foot long pipe and a 4-foot long pipe. The excavation was advanced to the north to the retaining wall area. No subgrade connections from the UST to the Jurgensen Trust Property were observed.
- Soil samples were collected for field screening throughout the advancement of the excavation, including along the pipes, at the pipe connections to the UST, and below the east and north sides of the UST. The field screening results did not indicate evidence of

petroleum odor, discoloration, sheen, or elevated PID readings in association with the soil.

- Pacific Crest was given permission to access the Building Addition and north-adjacent walkway from the building tenant. The Building Addition was observed to contain a sink and to be used for restaurant storage. Pacific Crest did not observe features indicating a “daylight” connection with the pipes in the Building Addition. In the walkway, two drums apparently dedicated to the storage of used cooking oil were moved and a 1.5-inch diameter pipe was observed beneath one of the drums. The pipe appeared to be in good condition and without rust, corrosion, or debris. Pacific Crest was able to push a stiff wire approximately 9-feet into the pipe. The historical use and purpose of the pipe discovered in the walkway is unknown.
- Field screening yielded no observation of petroleum-impacted soils. Therefore, APS was instructed to backfill the excavation with the removed soil.

FINDINGS

The findings of the Pipe Stub Investigation indicate the following:

- The Pipe Stub Investigation activities led to the discovery of a 420-gallon “orphan” UST located on the Robbins Property. The UST is not registered with Ecology and has been out of service for more than one year. The content and historical use of the UST are unknown. Ecology UST regulations (Chapter 173-360 WAC) require that USTs that have been out of service for more than one year undergo permanent decommissioning and site assessment activities by International Code Council (ICC)-certified UST service providers. Pacific Crest suggests that the responsible party (owner) of the UST proceed with the expeditious permanent closure of the UST in accordance with Ecology and City of Seattle regulations.
- The Pipe Stub Investigation did not provide any indication of the presence of the three alleged historical “gasol” USTs on the Jurgensen Trust Property.

CLOSING

We trust that this letter report presents sufficient information to further support Ecology’s understanding of this Site. Please call the undersigned at (425) 888-4990 if you have any questions or comments.

Sincerely,

PACIFIC CREST ENVIRONMENTAL, LLC



Ellen Harrington
Staff Geologist



Lauren Carroll, L.G., L.H.G.
Principal Hydrogeologist

Attachments: Figure 1 – Site Location Map
Figure 2 – Pipe Investigation and Soil Vacuum Excavation Area
Appendix A – Photographic Log

cc: Mr. Clark Davis; Davis Law Office, PLLC
Mr. James Murphy; Murphy Armstrong & Felton, LLP
Mr. W.C. Twig Mills, JD, CFP; Washington Trust Bank
Ms. Jo M. Flannery; Ryan, Swanson & Cleveland, PLLC



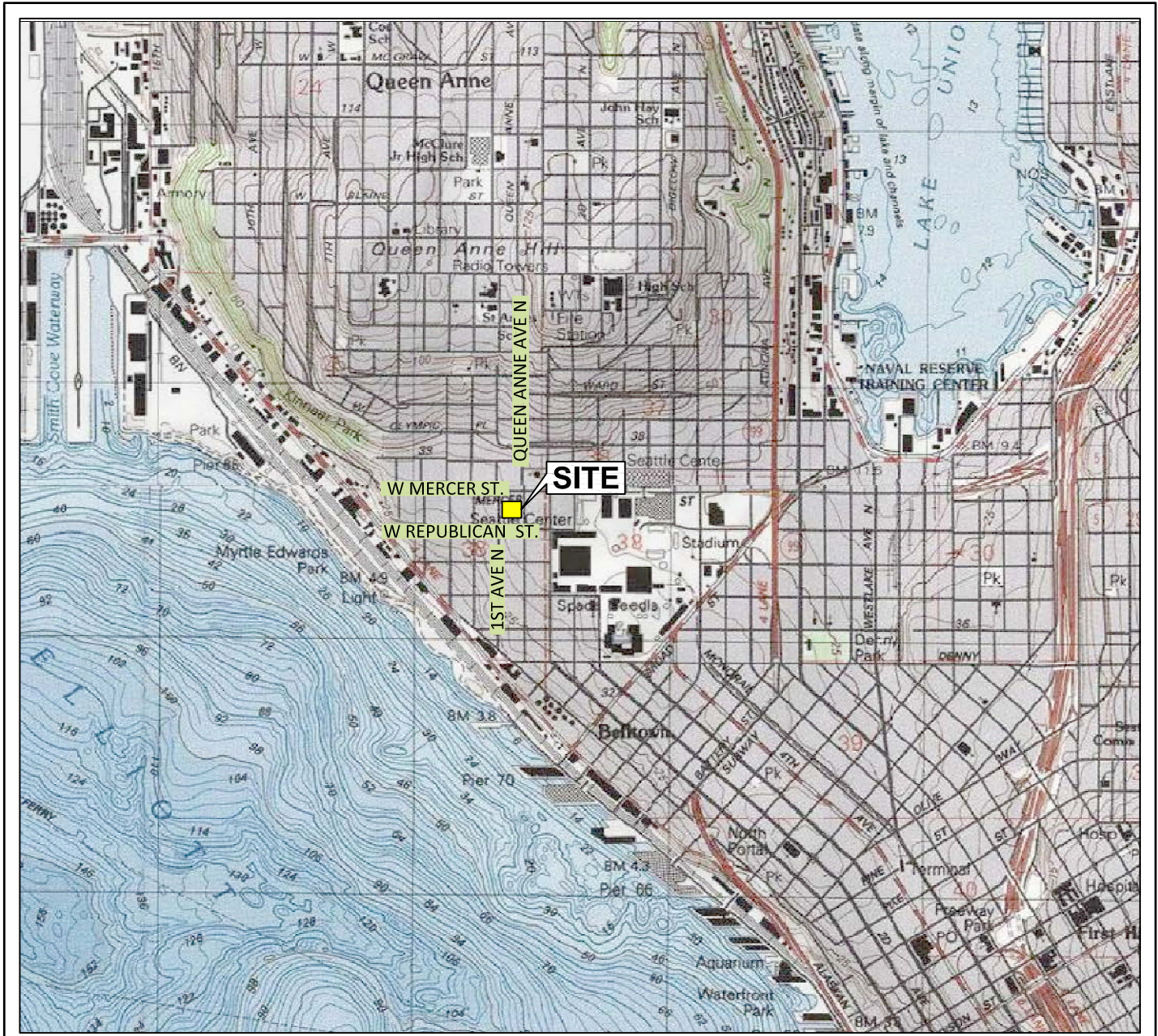
Lauren L. G. Carroll

FIGURES

PIPE STUB INVESTIGATION

JURGENSEN TRUST AND ROBBINS PROPERTIES
513 TO 525 QUEEN ANNE AVENUE NORTH
SEATTLE, WASHINGTON

PACIFIC CREST NO. 108-004



Source: TOPO! 2007



0 2000
Approximate Scale in Feet

4/14/2016 108-004-005.dwg FIG 1



PACIFIC CREST ENVIRONMENTAL
WWW.PCENV.COM 425-888-4990

Jurgensen Trust / Robbins Property
513 to 525 Queen Anne Avenue North
Seattle, Washington

PN: 108-004

Figure 1
Site Location Map

2/14/2017 108-004-028.dwg FIG 2 Pipe Stubs

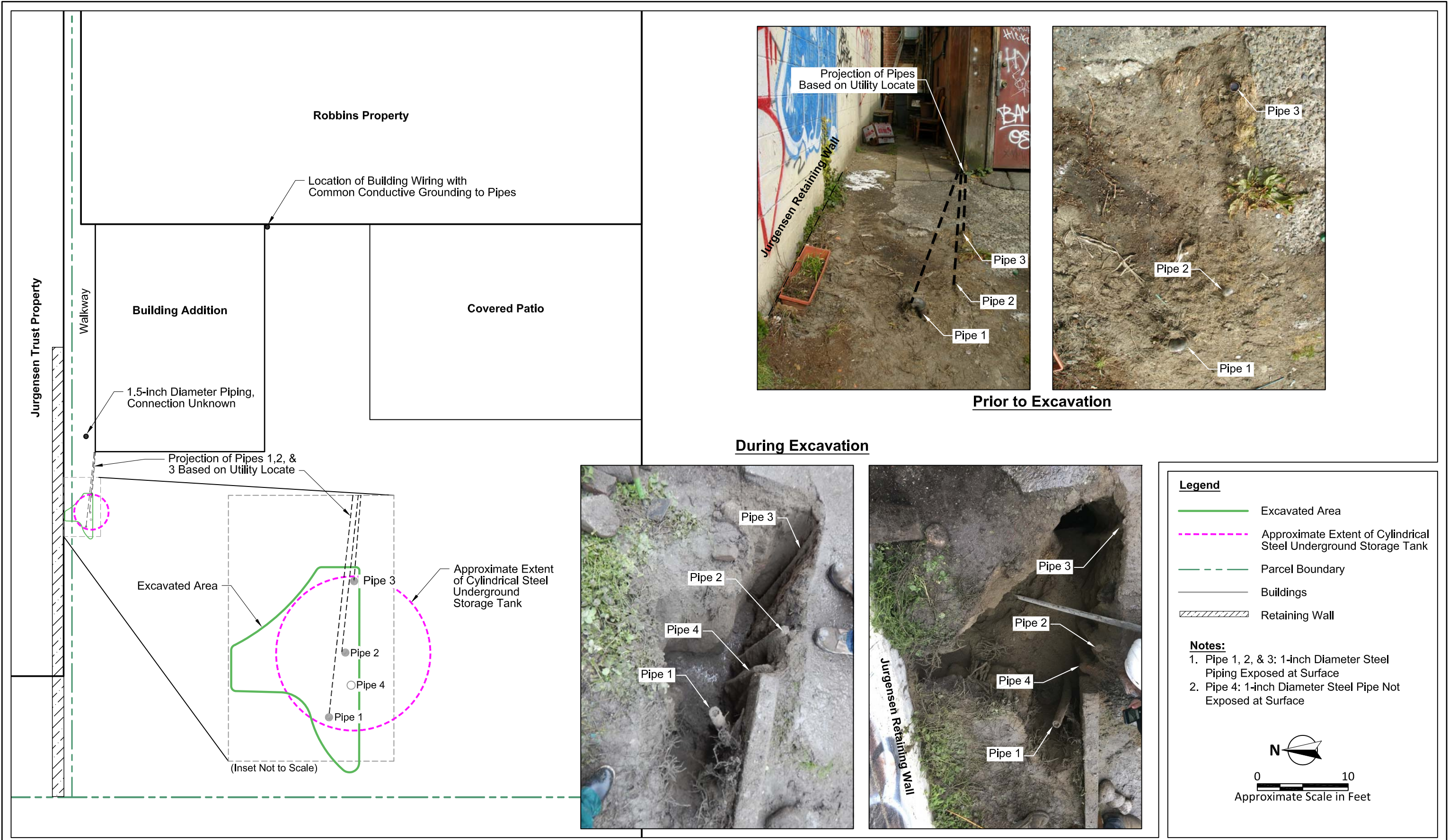


Figure 2
Pipe Investigation and Soil Vacuum Excavation Area

**APPENDIX A
PHOTOGRAPH LOG**

PIPE STUB INVESTIGATION

JURGENSEN TRUST AND ROBBINS PROPERTIES
513 TO 525 QUEEN ANNE AVENUE NORTH
SEATTLE, WASHINGTON

PACIFIC CREST NO. 108-004

PHOTOGRAPH LOG

Photograph 1: View of excavation area, retaining wall, and Jurgensen building prior to excavation activities, facing northwest.

Photograph 2: View of fenced alley and Building Addition, facing east. Orange paint marks the continuation of Pipes 2 and 3 identified by the utility locator. The locate marking for Pipe 1 was located directly north of the red brick in view, but was obscured by heavy rainfall.

Photograph 3: Southern border of the Building Addition, facing east, showing wiring identified by the utility locator to be conductively grounded to the same location as the three pipes. The wiring led from the window behind the tree pictured, and continued below ground and potentially beneath the Building Addition.

Photograph 4: Excavation in progress adjacent to Pipe 3, facing east.

Photograph 5: Excavation in progress with four pipes and steel tank surface in view approximately 3.3 feet bgs (Pipe 1 on the far-left [west], followed by Pipe 4, Pipe 2, and Pipe 3). The tank was observed to be cylindrical and have a diameter of approximately 4.0 feet.

Photograph 6: View along Pipe 3 and the eastern sidewall of the tank. The tank was determined to be 4.5 feet in height. The excavation reached approximately 8 feet bgs and no groundwater or petroleum impacted soil were observed.

Photograph 7: View of total extent of the excavation, with the Jurgensen building retaining wall in view.

Photograph 8: Loose pipes discovered within the excavation area, the first being approximately 1.0 feet in length and the second 4.0 feet in length.

Photograph 9: View of the northern extent of the excavation area, facing north with the Jurgensen building in the background. There were no features observed extending across the property boundary.

Photograph 10: View inside of the Building Addition, facing east. A sink, several boxes, and restaurant supplies were observed.

Photograph 11: View of the walkway located north-adjacent to the Building Addition, facing east. Pictured are two drums apparently used to store cooking oil.

Photograph 12: A pipe was discovered beneath one of the cooking oil drums, facing west. The pipe was unfilled and appeared to extend to at least 9.0 feet bgs.

Photograph 13: View of the excavation area after backfilling, facing west-northwest. Field screening did not indicate the presence of petroleum-impacted materials; therefore, the excavated soil was backfilled into the excavated area.



Photograph 1: View of excavation area, retaining wall, and Jurgensen building prior to excavation activities, facing northwest.



Photograph 2: View of fenced alley and Building Addition, facing east. Orange paint marks the continuation of Pipes 2 and 3 identified by the utility locator. The locate marking for Pipe 1 was located directly north of the red brick in view, but was obscured by heavy rainfall.



Photograph 3: Southern border of the Building Addition, facing east, showing wiring identified by the utility locator to be conductively grounded to the same location as the three pipes. The wiring led from the window behind the tree pictured, and continued below ground and potentially beneath the Building Addition.



Photograph 4: Excavation in progress adjacent to Pipe 3, facing east.



Photograph 5: Excavation in progress with four pipes and steel tank surface in view approximately 3.3 feet bgs (Pipe 1 on the far-left [west], followed by Pipe 4, Pipe 2, and Pipe 3). The tank was observed to be cylindrical and have a diameter of approximately 4.0 feet.



Photograph 6: View along Pipe 3 and the eastern sidewall of the tank. The tank was determined to be 4.5 feet in height. The excavation reached approximately 8 feet bgs and no groundwater or petroleum impacted soil were observed.



Photograph 7: View of total extent of the excavation, with the Jurgensen building retaining wall in view.



Photograph 8: Loose pipes discovered within the excavation area, the first being approximately 1.0 feet in length and the second 4.0 feet in length.



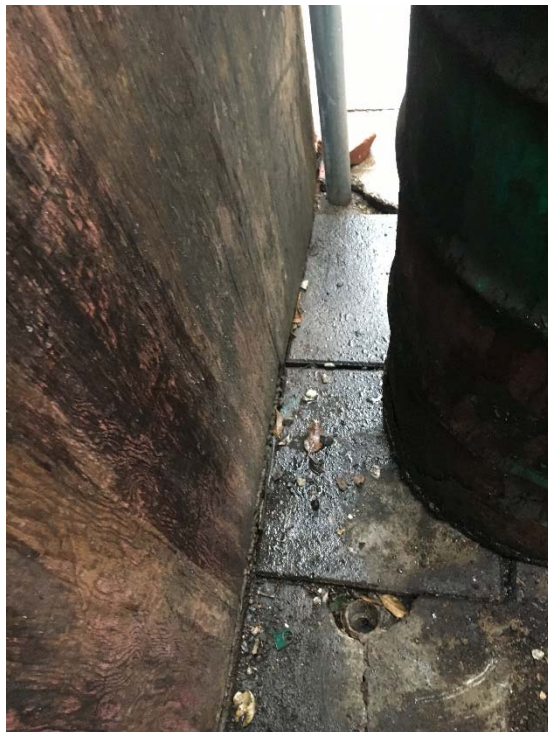
Photograph 9: View of the northern extent of the excavation area, facing north with the Jurgensen building in the background. There were no features observed extending across the property boundary.



Photograph 10: View inside of the Building Addition, facing east. A sink, several boxes, and restaurant supplies were observed.



Photograph 11: View of the walkway located north-adjacent to the Building Addition, facing east. Pictured are two drums apparently used to store cooking oil.



Photograph 12: A pipe was discovered beneath one of the cooking oil drums, facing west. The pipe was unfilled and appeared to extend to at least 9.0 feet bgs.



Photograph 13: View of the excavation area after backfilling, facing west-northwest. Field screening did not indicate the presence of petroleum-impacted materials; therefore, the excavated soil was backfilled into the excavated area.