



Periodic Review

All City Auto Wrecking & Sales Inc.

Facility Site ID: 22342251

Cleanup Site ID: 3099

**9525 and 9510 14th Avenue South
Seattle, WA**

Former address:

**9438 Des Moines Memorial Dr. South
Seattle, WA**

**Northwest Region Office
Toxics Cleanup Program
February 2023**

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1.0 Introduction

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the All City Auto Wrecking & Sales Inc. cleanup site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program. The cleanup actions resulted in concentrations of petroleum hydrocarbons, lead, and arsenic remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720.

WAC 173-340-420(2) Applicability states:

“The department shall conduct periodic reviews of a site whenever the department conducts a cleanup action; whenever the department approves a cleanup action under an order, agreed order or consent decree; or, as resources permit, whenever the department issues a no further action opinion; and one of the following conditions exists, at the site:

- (a) Where an institutional control and/or financial assurance is required as part of the cleanup action;
- (b) Where the cleanup level is based on a practical quantitation limit as provided for under WAC 173-340-707; and
- (c) Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.”

When evaluating whether human health and the environment are being protected, the factors Ecology must consider under WAC 173-340-420(4) Review criteria are:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
 - (b) New scientific information for individual hazardous substances or mixtures present at the site;
 - (c) New applicable state and federal laws for hazardous substances present at the site;
 - (d) Current and projected site and resource uses;
 - (e) The availability and practicability of more permanent remedies; and
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(f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

Ecology shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 Summary of Site Conditions

2.1 Site Description and History

The Site was formerly occupied by All City Auto Wrecking & Sales, which is located off State Highway 99 in Seattle, King County, Washington. The former address was 9438 Des Moines Way South. Currently, there are two addresses for the Site: 9525 14th Avenue South and 9510 14th Avenue South.

The Site operated as an auto wrecking yard for approximately 40 years. The two parcels cover a total of approximately 56,000 square feet and are noncontiguous. The two parcels include:

- King County tax parcel 5624200097, addressed 9525 14th Avenue South (referred to as the Western Parcel). It is about two-thirds of the total property area, and included the former parts storage and disassembly building (also formerly a grocery store and tavern). This parcel contained the majority of the wrecked cars, motor-core and transmission-core storage, and other parts storage. Currently, the Western Parcel is used for a Shell gasoline station (Southpark Shell, UST ID 587780) and mini-mart with an auxiliary storage building and a drive-thru espresso booth.
- King County tax parcel 5624200091, addressed 9510 14th Avenue South (referred to as the Eastern Parcel). It included a small office building and approximately 20 to 30 wrecked cars. Currently, Vitalitree (an arborist company) occupies the Eastern Parcel.

The Site is located in a mixed commercial, industrial and residential area of unincorporated King County known as South Park. The general vicinity of the Site is zoned commercial and industrial. The Site parcels are zoned industrial (King County Zoning code "I"). State highway off ramps are located to the north and east. The Duwamish River is located approximately 1/4-mile east of the Site.

The Site is located near the boundary between the upper- and mid-Valley provinces of the Duwamish River Valley. The Site geology consists of fill soil to approximately 3 feet below ground surface (bgs). The fill soil was reported to contain silty sand with minor amounts of concrete rubble and quarry spalls. Beneath the fill, native soil is reported to be typical of floodplain deposits with interbedded silt and thin lenses of fine-grained sand.

2.2 Site Investigations

Soil

Terra Associates performed a preliminary Site investigation in 1997 at the Site. This investigation provided a preliminary screening of the shallow soil conditions of the Site. This work was supplemented by a more extensive contaminated soil delineation investigation performed by Floyd & Snider Inc. (FSI) in January 1999. FSI's investigations included a total of approximately 10 soil borings, 40 surface and deep soil samples analyzed for total petroleum hydrocarbons (TPH) and lead between 0 and 8 feet bgs, and four groundwater monitoring wells.

Applying Ecology's Interim TPH Policy to Site-specific soil conditions, a TPH residential soil cleanup level of 7,000 milligrams per kilogram (mg/kg) was identified for the Site. The MTCA Method A industrial soil cleanup level for total lead of 1,000 mg/kg (based on direct contact) was selected for the Site.

It was determined as a result of these investigations that the historical auto wrecking and storage activities at the Site resulted in the limited release of petroleum and lead into surficial soil. Releases were primarily due to used oil from engine and wrecked-car storage and handling. TPH quantified as diesel, and lube oil (heavy oil) existed in limited areas on the Site exceeding the Site cleanup level of 7,000 mg/kg. Lead also existed in limited areas on the Site exceeding the MTCA Method A industrial cleanup level of 1,000 mg/kg.

The soil boring analytical results established several locations on the Site where surface soil required remedial action (excavation and off-site treatment) in order for the Site to comply with cleanup standards. This remedial action, conducted in 1999, is described in more detail in Section 2.3 of this document.

Groundwater

Terra Associates reported in April 1997 that groundwater occurred at or near the boundary between fill and native soil, approximately 3 to 4 feet bgs. The shallow groundwater flow direction was reported to be toward the northwest on the Western Parcel; monitoring well MW-3 was considered the upgradient well, while MW-1 and MW-2 the downgradient wells. The groundwater flow direction was reported to be toward the southeast on the Eastern Parcel. The regional groundwater flow direction in the South Park and 96th Street area was reported to be toward the northeast, toward the Duwamish River.

In 1997 and January 1999, two rounds of groundwater sampling were performed on the Site's groundwater monitoring wells (MW1, MW-2, MW-3, and MW-4) before remedial activities took place. In May 1999, one round of groundwater sampling was performed on the Site's groundwater monitoring wells (MW1, replacement well MW-2R, MW-3, and MW-4) following remedial activities. Groundwater samples were analyzed for diesel- and gasoline-range TPH; benzene, toluene, ethylbenzene, and xylenes (BTEX); polycyclic aromatic hydrocarbons (cPAHs); and total and/or dissolved arsenic, cadmium, chromium, and lead. The results from these

sampling events showed concentrations below the respective Site cleanup levels, with the following exceptions:

- In the January 1999 groundwater sampling event, diesel-range TPH from monitoring well MW-2 was detected at a concentration of 1,150 µg/L, exceeding the TPH cleanup level of 1,000 µg/L in place at that time. Well MW-2 was later removed in order to excavate contaminated soil near the well and was replaced with well MW-2R. In the May 1999 post-remediation groundwater sampling event, diesel-range TPH + lube oil-range TPH was at or below the detection limits (250 and 500 µg/L, respectively) in all wells.
- In the January 1999 groundwater sampling event, arsenic was reported in monitoring wells MW-2, MW-3, and MW-4, where dissolved arsenic was reported at concentrations of 20.0 µg/L, 26.9 µg/L, and 20.5 µg/L, respectively, exceeding the MTCA Method A cleanup level of 5 µg/L. In the May 1999 post-remediation groundwater sampling event, arsenic was reported in monitoring wells MW-2R, MW-3, and MW-4 at concentrations of 6.7 µg/L, 13.2 µg/L, and 23.9 µg/L, respectively, still exceeding the cleanup level.
- In the 1997 groundwater sampling event, cadmium was reported in monitoring well MW-3 at a concentration of 11.0 µg/L, exceeding the MTCA Method A cleanup level of 5 µg/L. Cadmium concentrations at MW-3 were not detected above the laboratory detection limit of 1.0 µg/L in subsequent sampling events.
- In the January 1999 sampling event, cPAH concentrations were not detected above the laboratory detection limit of 0.2 µg/L in any groundwater monitoring well. However, the MTCA Method A cleanup level (0.1 µg) was below the laboratory detection limit.
- In the May 1999 post-remediation groundwater sampling event, lead was reported in monitoring well MW-2R at a concentration of 40.3 µg/L, exceeding the MTCA Method A cleanup level of 15 µg/L.

Additional Site investigations conducted since the 2014 Periodic Review are presented in Section 3.2 of this document.

2.3 Cleanup Actions

The selected remedy for soils contaminated with TPH and lead above the Site cleanup levels was limited soil excavation and treatment by thermal destruction at TPS Technologies (TPS) in Tacoma, Washington. Two “categories” of contaminated soil that required remediation were identified and delineated during previous investigations:

- Soil that contained TPH quantified as diesel and lube oil (heavy oil) exceeding the Site cleanup level of 7,000 mg/kg.
- Soil that contained total lead exceeding the Site cleanup level of 1,000 mg/kg.

The results of soil sample collection and analysis from investigations conducted prior to 1999 identified eight initial areas on the Site that contained concentrations of TPH and total lead above the Site's soil cleanup levels. Generally, these appeared to be heavily stained areas, likely caused by leaking waste oil from wrecked cars and stockpiled engines. These areas generally consisted of waste oil in surface soil, approximately 4 to 6 inches bgs. A larger excavation area was established in the former motor pile area (around monitoring well MW-2), reaching depths of 4 to 6 feet bgs. Other areas of heavily stained surface soils were also visually identified during remedial activities.

Nineteen excavation areas were completed on April 27, 1999 to depths ranging between 6 and 12 inches bgs. The larger excavation around well MW-2 on the Western Parcel ranged from 4 to 6 feet bgs. Remedial excavations were performed throughout the Western Parcel and along the eastern boundary of the Eastern Parcel (see figures in Appendices 6.2 and 6.3).

A total of approximately 150 cubic yards of contaminated soil was excavated and transported directly to TPS for treatment. Upon reaching the limits of excavation, one confirmation soil sample per 40 linear feet of excavation sidewall and one soil sample per 400 square feet of excavation bottom were collected and analyzed.

Based on the laboratory results for confirmation soil samples analyzed for diesel- and oil-range TPH and total lead, additional excavation was performed at three locations on the Site to depths of approximately 3 feet bgs. Follow up confirmation soil sampling was performed at the three locations. The results from the second round of confirmation soil sampling indicated that all contaminated soil exceeding the Site's cleanup levels had been successfully removed. Final sidewall and bottom samples contained no sign of free product, with concentrations of TPH measuring less than the cleanup level of 7,000 mg/kg and total lead less than 1,000 mg/kg. During this second excavation phase, a total of approximately 50 cubic yards of contaminated soil was excavated and transported to TPS for treatment. A total of 23 confirmation soil samples were collected from the TPH- and lead-contaminated soil excavation areas during Site remediation.

Monitoring well MW-2 was removed in order to excavate contaminated soil surrounding the well. It was replaced with well MW-2R. No groundwater remediation was performed for the Site.

2.4 Regulatory Status and Confirmational Groundwater Monitoring

Ecology issued a conditional Site no further action (NFA) opinion letter on June 24, 1999 with two requirements: 1) analyze for arsenic in groundwater monitoring wells MW-3 and MW-4 for two additional quarters and 2) record a Restrictive Covenant with King County.

A Restrictive Covenant was recorded with King County on June 16, 1999. The Covenant prohibits activities that may result in the release of contaminants contained as part of the remedy, requires that the soil be covered (by structures, concrete, or asphalt surfaces), requires

that the cover is monitored and maintained on a regular basis, and prohibits any use of the Property that is inconsistent with the Covenant.

Two additional groundwater monitoring events were conducted in September and December 1999 to sample for arsenic in wells MW-3 and MW-4. The arsenic concentrations reported for well MW-3 were 12 and 18 µg/L in September and December 1999, respectively. The arsenic concentrations reported for well MW-4 were 27.1 and 16.9 µg/L in September and December 1999, respectively. No other contaminants were analyzed.

2.5 Cleanup Standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site. [WAC 173-340-704](#)¹ states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

MTCA Method A soil and groundwater cleanup levels are appropriate for contaminants at this Site. The cleanup actions conducted at the Site are routine, few hazardous substances were found at the Site, and numerical standards are available in the MTCA Method A table for each hazardous substance. MTCA Method A soil cleanup levels for industrial land uses were selected for the Site in 1999. The appropriateness of these cleanup levels is further discussed in Section 3.3.

The point of compliance is the area where the cleanup levels must be attained. The point of compliance is generally defined as throughout the site (standard point of compliance). Unless a site qualifies for a conditional point of compliance, cleanup levels must be met at the standard point of compliance for each media.

2.6 Restrictive Covenant

Ecology determined that institutional controls would be required as part of the cleanup action to document the remaining contamination, protect the cleanup action, and protect human health and the environment. On June 16, 1999, institutional controls in the form of a Restrictive Covenant were recorded for both the Western Parcel (9525 14th Avenue South; King County tax parcel 5624200097) and the Eastern Parcel (9510 14th Avenue South; King County tax parcel 5624200091).

¹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

The Restrictive Covenant recorded for the Site imposes the following limitations:

Section 1.

1. The Property shall be used only for traditional commercial and/or industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the county of King's zoning regulations codified in the King County Zoning Code, Title 21A, as of the date of this Restrictive Covenant.
2. No groundwater may be taken for any use from the Property.
3. The Property contains lead contaminated soil located throughout areas of the western property parcel (see the VCP Closure report for specific areas). The Property will be developed and capped pursuant to section 2.1 of the Cleanup Action Plan. Following capping of the western property parcel, any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork. Except to place an additional cap on the surface of the Property.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

A copy of the Restrictive Covenant is in Appendix 6.6.

3.0 Periodic Review

3.1 Effectiveness of completed cleanup actions

Institutional Controls

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that may result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. The Covenant serves to ensure the long-term integrity of the remedy.

Current Site Conditions and Condition of Cap

Except for the perimeter landscaping and vegetated drainage swale, the majority of the two parcels are paved or covered with concrete surfaces and foundations based upon the Site visit conducted by Ecology on November 16, 2022. The building, asphalt, and concrete at the Site continue to eliminate exposure to contaminated soils by ingestion and contact, with the exception the northwestern corner of the Eastern Parcel. This area was covered with shipping containers during previous Site visits, but movement of the shipping containers has resulted in exposure of the underlying gravel and soil. The various covers in all other areas appear in satisfactory condition and no repair, maintenance, or contingency actions are required.

The Site is operating as a gasoline station/convenience store (Shell/Food Mart) on the Western Parcel and an arborist collective on the Eastern Parcel (Vitalitree, LLC). A photo log is available as Appendix 6.7.

Soil

Soils with TPH and metals concentrations higher than MTCA cleanup levels are still present at the Site. The cleanup action and Restrictive Covenant completed in 1999 partially prevents exposure to this contamination by ingestion and direct contact with soils. However, exposed soils in the northwest corner of the Eastern Parcel require paving in order to prevent exposure to underlying soils.

Groundwater

During the 1999 Site investigation and subsequent cleanup action, arsenic exceeded the MTCA Method A cleanup level of 5 µg/L for groundwater. Due to elevated arsenic concentrations (up to 27.1 µg/L) in the presumed background monitoring well on the Western Parcel (MW-3), arsenic was assumed at the time to originate from off-Site. Elevated arsenic concentrations were also in monitoring well MW-4 on the Eastern Parcel at concentrations up to 23.9 µg/L.

The 1999 Site NFA letter required an additional two quarterly monitoring events be conducted at monitoring wells MW-3 and MW-4 to confirm that the concentrations observed were within

the range of concentrations found in the surrounding vicinity. Confirmational groundwater monitoring was conducted in September and December 1999. The arsenic concentrations were up to 18 µg/L in well MW-3 and up to 27.1 µg/L in well MW-4.

The 1999 VCP Site Closure Report indicated that the elevated arsenic concentrations in groundwater at the Site were similar to area background. However, the samples used for their area background evaluation were collected from monitoring wells at nearby industrial and commercial facilities and open drainage ditches along streets (stormwater). The sampling locations do not meet the criteria to be background samples. Furthermore, cleanup levels can only be adjusted to natural background, not area background.

Ecology published a study in January 2022 on *Natural Background Groundwater Arsenic Concentrations in Washington State*. A statistical analysis was conducted on groundwater arsenic data from public supply wells throughout the state. The study calculated a background value for arsenic in groundwater in the Puget Sound Basin of 8 µg/L. The concentrations of arsenic in groundwater at the Site have generally been above this regional natural background value.

The source and extent of arsenic contaminated groundwater is unknown. The source could potentially be from the petroleum releases at the Site mobilizing arsenic into the groundwater or other former auto wrecking activities. Because the Restrictive Covenant prohibits the use of groundwater at the property, the remedy is likely to be effective in protecting human health and the environment from the arsenic contaminated groundwater on the property. However, if past operations at the Site are a contributing source of arsenic in groundwater, then the Site could be impacting adjacent properties that are not protected by the remedy. The Restrictive Covenant only applies to the subject property.

In addition, lead was detected at a concentration of 40.3 µg/L in groundwater well MW-2R in the May 1999 post-cleanup sampling event, exceeding the cleanup level of 15 µg/L. The 1999 VCP Site Closure Report indicated that the elevated lead in groundwater at the Site was similar to area background, and concluded that further analysis of lead was not warranted. Lead is a contaminant of concern at the Site, so should have been monitored.

The extent of lead-contaminated groundwater is unknown, and has the potential to extend off-property, given the near proximity of well MW-2R to the property boundary. While the Restrictive Covenant is likely to be effective in protecting human health and the environment from the lead contaminated groundwater on the property, it is not protective of adjacent properties that may be impacted by the Site.

Groundwater contamination at the Site was not adequately characterized for nature and extent, in accordance with MTCA requirements.

3.2 New scientific information for individual hazardous substances or mixtures present at the Site

New scientific information for the contaminants related to the Site have been made available to Ecology.

Aerotech Environmental Consulting, Inc. (Aerotech) conducted a Phase I Environmental Site Assessment in December 2019 and a limited and targeted Phase II Subsurface Assessment in March 2020 of the Eastern Parcel. In the Phase II Subsurface Assessment, 11 soil borings were advanced and 20 soil samples were collected for the laboratory analysis of petroleum hydrocarbons, fuel component volatile organic compounds, cPAHs, polychlorinated biphenyls, and metals.

This study found heavy oil, cPAHs, and lead exceeding the current MTCA Method A soil cleanup levels for unrestricted land use at the soil sample locations adjacent to the eastern property boundary (see figure in Appendix 6.4). The extent of soil (and groundwater, as discussed in Section 3.1) that exceeds Method A cleanup levels (i.e., the boundary of the Site) has not been adequately characterized.

The King County parcel map indicates that this area of the Site (what appeared to be the eastern portion of the Eastern Parcel since it is within the walled compound used by the property owner) is actually outside of the parcel boundary (see figure in Appendix 6.5). Therefore, this portion of the Site extends beyond the parcel boundary and is not covered by the Restrictive Covenant. The parcel map does not identify the ownership of the adjacent property, but it is likely Washington State Department of Transportation (WSDOT). Highway 99 is located north and east of the Site, with adjacent vegetated areas overgrown with blackberry brambles and brush.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The MTCA rule (WAC 173-340) was revised in 2001. Changes in soil and groundwater cleanup standards were included in the revision.

MTCA Method A soil cleanup levels for industrial land uses were selected for the Site in 1999, at the time of the cleanup. Although the Site parcels are zoned industrial by King County, the Site does not meet the definition of an industrial property, per [WAC 173-340-745](#); therefore, Method A soil cleanup levels for unrestricted land uses should apply.

The following cleanup level summary tables for soil and groundwater document the cleanup levels applied at the Site in 1999 and cleanup levels that are currently applicable.

Summary of Soil Cleanup Levels

Hazardous Substance	1999 Cleanup Action and NFA Opinion Cleanup Levels			Current MTCA Cleanup Levels		
TPH-D	7,000 mg/kg	Method B	Site-specific; direct contact	-----	-----	-----
TPH-D+O	-----	-----	-----	2,000 mg/kg	Method A	Unrestricted land use
Lead	1,000 mg/kg	Method A	Industrial land use	250 mg/kg	Method A	Unrestricted land use

Summary of Groundwater Cleanup Levels

Hazardous Substance	1999 Cleanup Action and NFA Opinion Cleanup Levels			Current MTCA Cleanup Levels		
Arsenic	"area background"	-----	-----	8 µg/L	Method A	Regional natural background
Lead	"area background"	-----	-----	15 µg/L	Method A	-----
TPH-G	1,000 µg/L	Method A	Absence of benzene	1,000 µg/L	Method A	Absence of benzene
TPH-D	1,000 µg/L	Method A	-----	-----	-----	-----
TPH-O	1,000 µg/L	Method A	-----	-----	-----	-----
TPH-D+O	-----	-----	-----	500 µg/L	Method A	-----

3.4 Current and projected Site and resource use

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses for the Western Parcel. At the time of the 2014 Periodic Review, the Eastern Parcel was an auto wrecking yard. This parcel was sold in 2021 and the occupant is currently an arborist business. A notification letter was submitted to Ecology prior to the close date of the property sale, consistent with the requirements of the Restrictive Covenant. This change of use is not anticipated to affect the protectiveness of the Restrictive Covenant.

3.5 Availability and practicability of more permanent remedies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment at the Property, but may not be protective of the Site. More permanent remedies may be available for this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels, with the exception of cPAHs (as discussed in Section 2.2). However, the presence of improved analytical techniques is unlikely to affect decisions or recommendations made for the Site.

4.0 Conclusions

The following conclusions have been made as a result of this periodic review:

- During the 2022 Site visit, exposed soil was observed in the northwest corner of the Eastern Parcel. Exposed soil must be covered (by structures, concrete, or asphalt surfaces) to be protective of human health and the environment, in accordance with the Restrictive Covenant.
- Arsenic exceeded the MTCA Method A cleanup level of 5 µg/L and the regional natural background value of 8 µg/L in groundwater wells MW-3 (on the Western Parcel) and MW-4 (on the Eastern Parcel), with concentrations up to 27.1 µg/L (last sampled in 1999). While prior reports indicated that the elevated arsenic concentrations were similar to area background, the samples used for the area background evaluation were collected from monitoring wells at nearby industrial and commercial facilities and open drainage ditches along streets (stormwater). The sampling locations did not meet the criteria to be background samples. Furthermore, cleanup levels can only be adjusted to natural background, not area background. The source could also be from the petroleum releases at the Site mobilizing arsenic into the groundwater or other former auto wrecking activities. Based on the limited available data, the source and extent of arsenic-contaminated groundwater is unknown.
- Lead exceeded the MTCA Method A cleanup level of 15 µg/L during the last sampling event in 1999 in groundwater well MW-2R (on the Western Parcel), at a concentration of 40.3 µg/L. The extent of lead-contaminated groundwater is unknown. Groundwater contamination at the Site has not been adequately characterized for nature and extent, in accordance with MTCA requirements.
- MTCA Method A soil cleanup levels for industrial land uses were selected for the Site in 1999. Although the Site parcels are zoned industrial by King County, the Site does not meet the definition of an industrial property, per [WAC 173-340-745](#); therefore, Method A soil cleanup levels for unrestricted land uses should apply.
- A 2020 Site investigation identified TPH, lead, and cPAHs exceeding MTCA Method A cleanup levels for unrestricted land use in soil samples near the eastern property boundary of the Eastern Parcel. The King County parcel map indicates that this area is actually outside of the parcel boundary; therefore, this portion of the Site is not covered

by the Restrictive Covenant. The parcel map does not identify the ownership of the adjacent parcel, but it is likely WSDOT (Highway 99). The extent of contaminated soil has not been adequately characterized.

- While the Restrictive Covenant might be effective in protecting human health and the environment from the contaminated soil and groundwater on the subject properties (depending on the condition of the cap and land use), it is not protective of any adjacent properties or rights-of-way that may be impacted by the Site.
- The 1999 Site NFA determination does not appear to accurately reflect current Site conditions or the protectiveness of the remedy, and therefore will be rescinded by Ecology. Ecology recommends that the property owner enroll in the Voluntary Cleanup Program (VCP) regarding additional characterization and/or cleanup actions that may be required to comply with MTCA, including completion of an adequate Remedial Investigation (RI) and Feasibility Study (FS). This process may require modification of the Restrictive Covenant or implementation of a new Environmental Covenant, per [Ecology Procedure 440A](#).

It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the 1999 remedy is maintained, in accordance with the Restrictive Covenant.

5.0 References

Aerotech Environmental Consulting, Inc., Phase II Limited and Targeted Subsurface Assessment. March 27, 2020.

Ecology, Natural Background Groundwater Arsenic Concentrations in Washington State. January 2022.

Ecology, Periodic Review. June 2009.

Ecology, Periodic Review. December 2014.

Ecology, Site NFA Letter. June 24, 1999.

Ecology, Site Visit, November 16, 2022.

Floyd and Snider, Inc., Voluntary Cleanup Action Plan, All City Auto Wrecking. March 18, 1999.

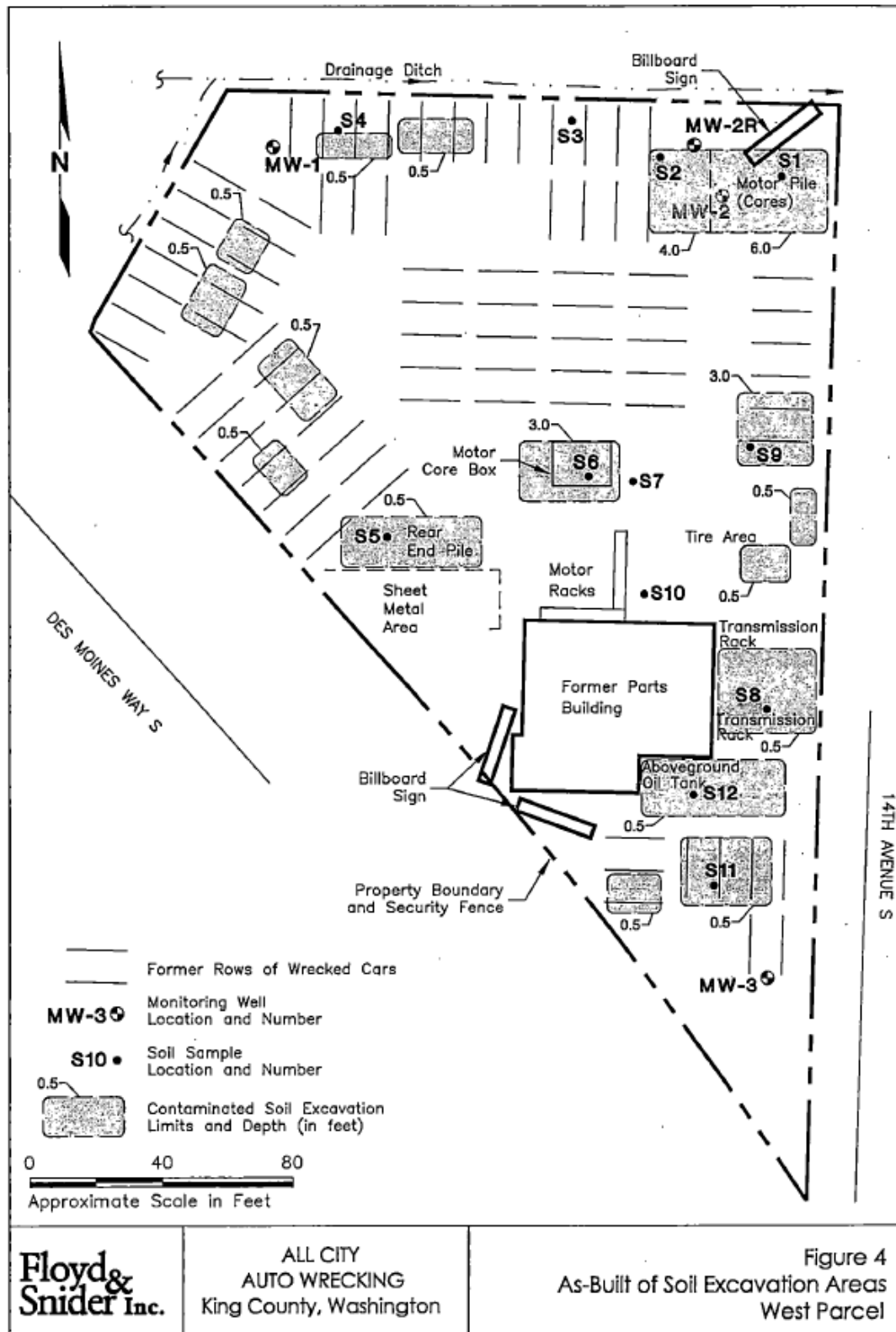
Floyd and Snider, Inc., Voluntary Cleanup Program Site Closure Report, All City Auto Wrecking. May 27, 1999.

Property Transaction Letter. September 2021.

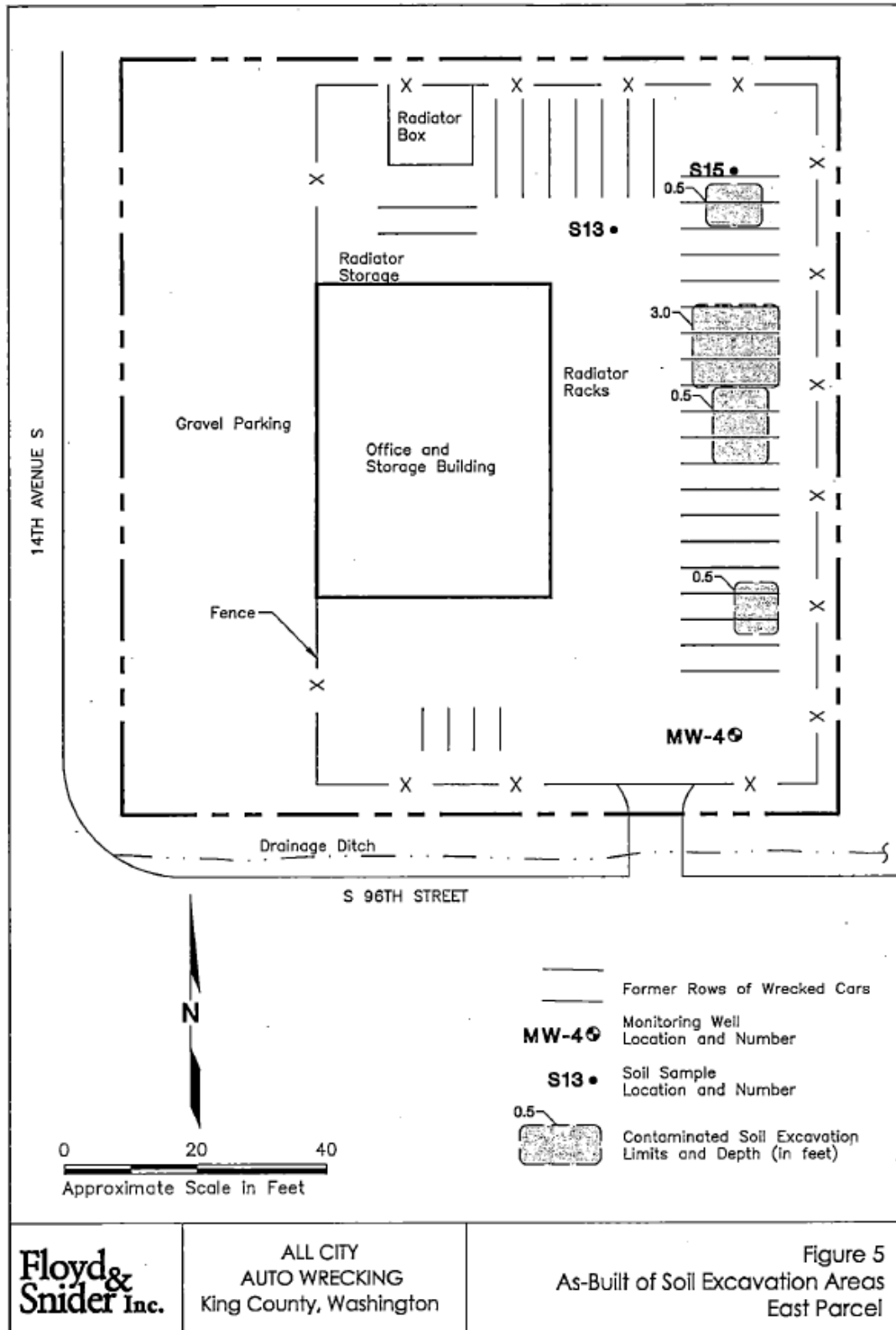
Restrictive Covenant. June 16, 1999.

6.0 Appendices

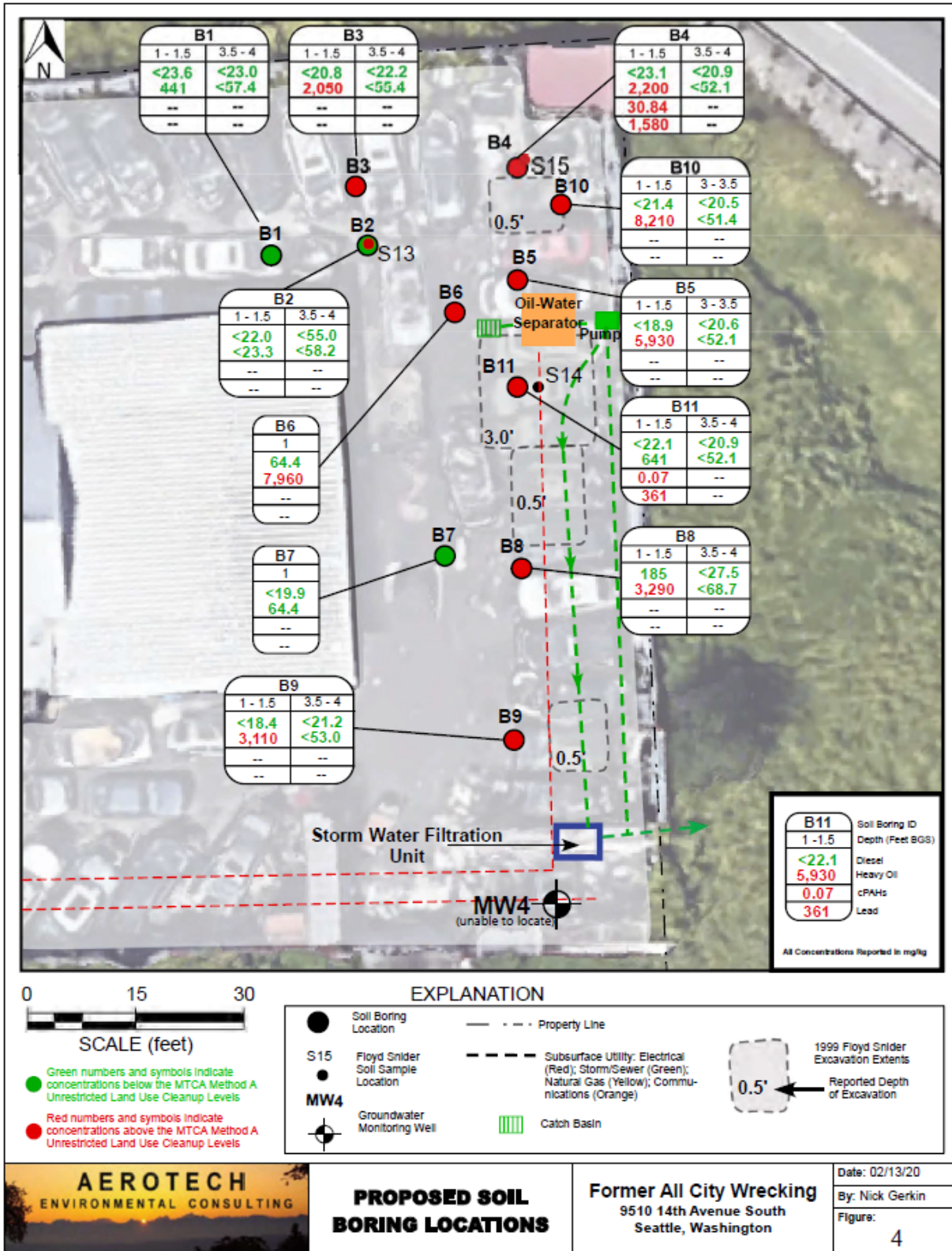
6.2 1999 Site Plan and Soil Excavations – Western Parcel



6.3 1999 Site Plan and Soil Excavations – Eastern Parcel



6.4 2020 Soil Sampling – Eastern Parcel



6.5 King County iMap with Parcel Boundaries



6.6 Restrictive Covenant

After Filing Return To:

Lynn Manolopoulos
Davis Wright Tremaine LLP
1800 Bellevue Place
10500 NE Eighth Street
Bellevue, Washington 98004-4300

RESTRICTIVE COVENANT

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.039(1)(f and g), and WAC 173-340-440 by George and Jane Human, their successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Grantor(s):

1. George and Jane Human

☐ Additional names on page ____ of document

Grantee(s):

1. Washington Department of Ecology

☐ Additional names on page ____ of document

Abbreviated Legal Description (lot, block and plat name, or section-township-range):

See attached — Schedule A

☐ Additional legal description is on page ____ of document

Assessor's Property Tax Parcel Account Number(s): 562420-0091-01;
562420-0097-05

Reference Numbers of Documents Assigned or Released (if applicable):

☐ Additional reference numbers on page ____ of document

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KING COUNTY, WA

RESTRICTIVE COVENANT

George and Jane Human, All-City Wrecking - 9438 Des Moines Way South- Seattle, WA

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by George and Jane Human, their successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document[s].

1. Voluntary Cleanup Action Plan - All-City Wrecking - King County, Washington; March 18, 1999, Floyd & Snider, Inc.
2. VCP Site Closure Report - All-City Wrecking - King County, Washington; May 27, 1999, Floyd & Snider, Inc.

These documents are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of lead which exceed the Model Toxics Control Act Methods A and B Residential Cleanup Level(s) for soil established under WAC 173-340-440.

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The undersigned, George and Jane Human, are the fee owners of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Schedule A of this restrictive covenant and made a part hereof by reference.

The Humans makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land; as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1

1. The Property shall be used only for traditional commercial and/or industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the county of King's zoning regulations codified in the King County Zoning Code, Title 21A, as of the date of this Restrictive Covenant.

2. No groundwater may be taken for any use from the Property.

3. The Property contains lead contaminated soil located throughout areas of the western property parcel (see the VCP Closure report for specific areas). The Property will be developed and capped pursuant to section 2.1 of the Cleanup Action Plan.

Following capping of the western property parcel, any activity on the Property that may

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result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork. Except to place an additional cap on the surface of the Property.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

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Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs,

Jane Human
George Human
George and Jane Human

June 15, 1999
[DATE -SIGNED]

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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 15 day of June, 1999, before me, a Notary Public in and for the State of Washington, personally appeared George Human and Jane Human, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument and acknowledged it to be their free and voluntary acts and deeds for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Sharon M. Black
NOTARY PUBLIC in and for the State of
Washington, residing at 8330 King St. Seattle, Seattle
My appointment expires 9-30-99
Print Name Sharon M. Black

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CHICAGO TITLE INSURANCE COMPANY
A.L.T.A. COMMITMENT
SCHEDULE A
(Continued)

LEGAL DESCRIPTION EXHIBIT

PARCEL A:

THE SOUTH 142.5 FEET OF THAT PORTION OF TRACT 5, MOORE'S FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 9, OF PLATS, PAGE 28, IN KING COUNTY, WASHINGTON, LYING WESTERLY OF 14TH AVENUE SOUTH AND EASTERLY OF PRIMARY STATE HIGHWAY NUMBER 1, AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 521479;

PARCEL B:

THAT PORTION OF TRACTS 6 AND 7, MOORE'S FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 9 OF PLATS, PAGE 28, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 184.57 FEET EAST AND 142.5 FEET NORTH OF THE SOUTHWEST CORNER OF TRACT 7, SAID ADDITION;
THENCE EAST A DISTANCE OF 348.72 FEET TO THE WEST LINE OF 14TH AVENUE SOUTH;
THENCE NORTH A DISTANCE OF 142.5 FEET ALONG SAID WEST LINE;
THENCE WEST A DISTANCE OF 347.79 FEET;
THENCE SOUTH A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NUMBER 4852298;

PARCEL C:

THE SOUTH 75 FEET OF THE NORTH 285 FEET OF THE EAST HALF OF TRACT 7, AND THAT PORTION OF THE SOUTH 75 FEET OF THE NORTH 285 FEET OF TRACT 6 LYING WESTERLY OF 14TH AVENUE SOUTH, ALL IN MOORE'S FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 9, OF PLATS, PAGE 28, IN KING COUNTY, WASHINGTON;

EXCEPT THOSE PORTIONS CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES BY DEEDS RECORDED UNDER RECORDING NUMBERS 4852297 AND 5146514;

PARCEL D:

THAT PORTION OF THE SOUTH 142.5 FEET OF THAT PORTION OF TRACT 6, MOORE'S FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 9 OF



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CHICAGO TITLE INSURANCE COMPANY
A.L.T.A. COMMITMENT
SCHEDULE A
(Continued)

LEGAL DESCRIPTION EXHIBIT

PLATS, PAGE 28, IN KING COUNTY, WASHINGTON, LYING EASTERLY OF 14TH AVENUE SOUTH;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES UNDER DEED RECORDED UNDER RECORDING NUMBER 4935305.



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6.7 Photo log

Photo 1: Building on the Eastern Parcel occupied by an arborist - looking northwest.



Photo 2: Typical concrete pad inside the Eastern Parcel compound - looking west.



Photo 3: Exposed soil in the northwest corner of the Eastern Parcel - looking north.



Photo 4: Drainage swale along the Eastern Parcel's southern boundary - looking east.



Photo 5: Vegetated area to the east of the Eastern Parcel - looking north.



Photo 6: The outside of the Eastern Parcel, along the western boundary - looking east.



Photo 7: The gas station and mini-mart on the Western Parcel - looking north.



Photo 8: Auxiliary storage building for the gas station on the Western Parcel - looking north.



Photo 9: The drive-thru espresso stand on the Western Parcel - looking southwest.



Photo 10: Monitoring well on the Western Parcel.

