



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 17, 2024

Brad Machat
Quarterra Multifamily Communities, LLC
1325 4th Ave Ste 1300
Seattle, WA 98101-2509

Re: Administrative Order

Administrative Order Docket #	22865
Site Location	U Village Safeway 3020 and 3040 NE 45th St Seattle, WA 98105

Dear Brad Machat:

The Department of Ecology (Ecology) is issuing the enclosed Administrative Order (Order) requiring Quarterra Multifamily Communities, LLC to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - State of Washington Water Pollution Control Act.
- Chapter 173-201A Washington Administrative Code (WAC) - Water Quality Standards for Surface Waters of the State of Washington.
- Construction Stormwater General Permit WAR313013: National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity.

If you have questions, please contact Charles Hackel at chac461@ecy.wa.gov or 425-213-9832.

Sincerely,

Rachel McCrea
Water Quality Section Manager
Northwest Region Office

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Enclosure: Administrative Order Docket #22865

By Certified Mail 9171 9690 0935 0233 2029 02

cc: Jon Luetkemeyer; Quatterra Multifamily Communities, LLC
PARIS Permit No. WAR313013

State of Washington
Department of Ecology

In the Matter of an Administrative Order Against
Quarterra Multifamily Communities, LLC
Brad Machat
Administrative Order Docket #22865

To: Brad Machat
Quarterra Multifamily Communities, LLC
1325 4th Ave Ste 1300
Seattle, WA 98101-2509

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This is an Administrative Order in accordance with General Condition G12 (Additional Monitoring) as set forth in the Construction Stormwater General Permit. Chapter 90.48.120(2) RCW authorizes Ecology to issue Administrative Orders to accomplish the purposes of Chapter 90.48 RCW.

1. Order to Comply

Quarterra Multifamily Communities, LLC is subject to coverage under NPDES Construction Stormwater General Permit (CSGP) WAR313013 for construction activities associated with the construction site known as U Village Safeway (3020 and 3040 NE 45th St, Seattle, WA 98105). The project consists of 4.03 disturbed acres. The proposed project comprises of redevelopment of the site into an eight-story mixed used building. Currently the site consists of four commercial buildings and associated parking, which will all be demolished. Soil and groundwater contamination from historical onsite and adjoining activities will likely be encountered during redevelopment. Some of these historical activities include gasoline service stations, a tire shop, television repair, a machine shop, fuel distribution operations, and coal

storage bunkers. Additionally fill material dating back to the mid-1930s sampled during environmental investigations contained various contamination. Dewatering may be needed as perched groundwater that was identified at depths of 3.5 to 12.5 feet below ground surface.

The receiving waterbody following treatment is Ravena Creek. Ecology was notified of the presence of onsite groundwater and/or soil contamination, which has the potential to discharge in stormwater and dewatering water due to the proposed construction activity. The Construction Stormwater General Permit does not have water quality sampling or benchmarks for the known contaminants of concern, listed in Table 1, below; however, the permit requires compliance with the Water Quality Standards for Surface Waters of the State of Washington (Water Quality Standards – 173-201A WAC) and prohibits any discharges of pollutants.

The Order establishes Indicator Levels for the U Village Safeway project. Indicator Levels express a pollutant concentration used as a threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. Indicator Levels in this Administrative Order were derived from WAC 173-201A and the analytical method's minimum quantitation level.

For these reasons and in accordance with RCW 90.48.120(2) it is ordered that Quatterra Multifamily Communities, LLC take the following actions. These actions are required at the location known as U Village Safeway, located at 3020 and 3040 NE 45th St, Seattle, WA 98105. In the event of a permit transfer to another Permittee, compliance with this Administrative Order and the actions listed below is required.

Quatterra Multifamily Communities, LLC must take the following actions to remain in compliance with NPDES Permit WAR313013:

- Install all pre-treatment and treatment systems prior to any discharge of contaminated dewatering water or contaminated construction stormwater to the receiving waterbody.
- Capture, contain, and treat all contaminated dewatering water or contaminated construction stormwater prior to discharge to the receiving waterbody.
- Use an Ecology-approved treatment system and media filtration to treat any contaminated dewatering water or contaminated construction stormwater. Ecology must be notified in advance if any changes in the treatment are made, with the exception of routine maintenance.
- All captured sediment from the treatment of the contaminated dewatering water or contaminated construction stormwater must be transported to an approved disposal facility based on the level of contamination.

The treatment system must have enough capacity to hold treated contaminated dewatering water or contaminated construction stormwater until it has been tested to determine if any of the Indicator Levels listed in Table 1 have been met. No contaminated dewatering water or contaminated construction stormwater may be discharged before it has been tested for the parameters listed in Table 1. If any of the Indicator Levels listed in Table 1 are exceeded, the treated contaminated dewatering water or contaminated construction stormwater must not be discharged to the receiving waterbody until it has been retested to determine that all parameters are equal to or below the Indicator Levels in Table 1. If any of the Indicator Levels are exceeded after being retested, Quarterra Multifamily Communities, LLC must modify the existing treatment to increase effectiveness, install an additional Ecology-approved treatment system, or truck the contaminated construction stormwater or groundwater off-site for disposal in an approved manner. Quarterra Multifamily Communities, LLC may also discharge to sanitary sewer with the approval of the proper sewer authority.

Once the effectiveness of the treatment system has been determined, Quarterra Multifamily Communities, LLC may revert to a flow-through treatment system after a minimum of two sampling and testing events and upon written approval from Ecology. The flow-through treatment system design and batch sampling results must be submitted to Ecology for review prior to use.

- If a flow-through treatment system is adopted, all contaminated dewatering water or contaminated construction stormwater must be sampled weekly while discharging and tested for the parameters listed in Table 1.
- When using a flow-through treatment system, if any of the Indicator Levels listed in Table 1 are exceeded, Quarterra Multifamily Communities, LLC must stop the discharge of treated contaminated dewatering water or contaminated construction stormwater to the receiving waterbody until it has been retested to determine that all parameters are equal to or below the Indicator Levels in Table 1. If any of the Indicator Levels are exceeded after being retested, Quarterra Multifamily Communities, LLC must modify the existing flow-through treatment system to increase its effectiveness, install an additional Ecology-approved treatment system, or truck the contaminated construction stormwater or contaminated dewatering water off-site for disposal in an approved manner. Quarterra Multifamily Communities, LLC may also discharge the treated water to sanitary sewer in accordance with the conditions of the discharge authorization from the proper sewer authority.
- Sampling for the contaminants listed in Table 1 must be reported on the required Discharge Monitoring Report (DMR) according to Permit Conditions (S5.B Discharge Monitoring Reports).
- If sampling is conducted more frequently than required by this Order, the results of this monitoring must be included in the calculation and reporting of the data that is submitted in the DMR.

- Any discharge to Waters of the State in exceedance of the contaminant Indicator Levels in Table 1 must be reported to the Department of Ecology according to Permit Condition S5.F, Noncompliance Notification as follows:
 - Immediately notify Ecology of noncompliance by calling the regional 24-hour Environmental Report Tracking System (ERTS) phone number (206) 594-0000 (note that this is a new phone number as of 5/17/2021).
 - Cease the discharge until Indicator Levels can be met.
 - Submit a detailed, written report to Ecology within five (5) days, unless requested earlier by Ecology. See Permit condition S5.F.3 for the full written report requirements.
 - For exceedances of the numeric benchmark for pH, refer to Special Condition S4.D.4 of the CSGP.
- All monitoring data must be prepared by a laboratory registered or accredited under the provisions of Accreditation of Environmental Laboratories, Chapter 137-50 WAC.
- All sampling data must be reported monthly on DMRs electronically using Ecology's secure online system WQWebDMR, in accordance to permit condition S5.B. If the measured concentration is below the detection level then Quarterra Multifamily Communities, LLC must report single analytical values below detection as "less than the detection level (DL)" by entering "<" followed by the numeric value of the detection level (e.g. "<0.1"). All other values above DL must be reported as the numeric value.
- Contaminated soils excavated during construction will be immediately hauled offsite without stock piling to an approved disposal facility based on the level of contamination. When it is not feasible to immediately haul soils offsite, the soils must be placed in a covered area to minimize contact with stormwater.
- Noncompliance with permit requirements or the provisions of this Order (such as exceedances of indicator levels) must be immediately reported to the Northwest Region Office of the Department of Ecology in accordance with Permit Condition S5.F, Noncompliance Notification.
- The Stormwater Pollution Prevention Plan (SWPPP) prepared for U Village Safeway must be fully implemented and amended as needed for the duration of the project.
- If a modification of the Order is desired, a written request must be submitted to Ecology and if approved, Ecology will issue an amendment to this Order.

Ecology retains the right to make modifications to this Order through supplemental Order, or amendment to this Order, if it appears necessary to further protect the public interest.

This Order does not exempt Quarterra Multifamily Communities, LLC from any Construction Stormwater General Permit requirement. This Order automatically terminates when NPDES Construction Stormwater General Permit WAR313013 is terminated.

Table 1. Fresh Water Parameters

Quarterra Multifamily Communities, LLC must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for monitoring unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If Quarterra Multifamily Communities, LLC uses an alternative method, not specified in the order and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report.

Pollutant & CAS No. (if available)	Sampling Frequency*	Sample Type	Indicator Level, µg/L unless otherwise noted	Required Analytical Protocol	Detection Level, µg/L unless otherwise noted	Quantitation Level, µg/L unless otherwise noted
PETROLEUM HYDROCARBONS						
BTEX (benzene, toluene, ethylbenzene and O,M,P xylenes)	Batch/Weekly	Grab	2.0 ^a	SW 846 8021/8260	1.0	2.0
Diesel and Oil-Range Hydrocarbons (NWTPH-Dx) ^b	Batch/Weekly	Grab	250 ^a	NWTPH-Dx	250	250
Gasoline-Range Hydrocarbons (NWTPH-Gx) ^c	Batch/Weekly	Grab	250 ^a	NWTPH-Gx	250	250
METALS						
Arsenic, Total (7440-38-2)	Batch/Weekly	Grab	360 ^d	200.8	0.1	0.5
Barium, Total (7440-39-3)	Batch/Weekly	Grab	1,000 ^h	200.8	0.5	2.0
Cadmium, Total (7440-43-9)	Batch/Weekly	Grab	1.6 ^d	200.8	0.05	0.25
Chromium, Total (7440-47-3)	Batch/Weekly	Grab	15 ^e	200.8	0.2	1.0
Lead, Total (7439-92-1)	Batch/Weekly	Grab	27.5 ^d	200.8	0.1	0.5
Mercury, Total (7439-97-6)	Batch/Weekly	Grab	2.1 ^d	1631E	0.0002	0.0005
Selenium, Total (7782-49-2)	Batch/Weekly	Grab	20.0 ^d	200.8	1.0	1.0
Silver, Total (7440-22-4)	Batch/Weekly	Grab	0.91 ^d	200.8	0.04	0.2
VOLATILE ORGANIC COMPOUNDS (VOCs), SEMI VOCs AND HALOGENATED VOCs						
sec-Butylbenzene (135-98-8)	Batch/Weekly	Grab	5.0 ^a	8260	5.0	5.0
Cis-1,2-Dichloroethene (156-59-2)	Batch/Weekly	Grab	5.0 ^a	8260	5.0	5.0
1,2-trans-Dichloroethylene (156-60-5)	Batch/Weekly	Grab	4.8 ^a	624.1	1.6	4.8
Isopropylbenzene (98-82-8)	Batch/Weekly	Grab	5.0 ^a	8260	5.0	5.0
p-Isopropyltoluene (99-87-6)	Batch/Weekly	Grab	5.0 ^a	8260	5.0	5.0
n-propylbenzene (103-65-1)	Batch/Weekly	Grab	5.0 ^a	8260	5.0	5.0
Trichloroethylene (79-01-6)	Batch/Weekly	Grab	5.7 ^a	624.1	1.9	5.7
Vinyl chloride (75-01-4)	Batch/Weekly	Grab	2.0 ^a	624/SM6200B	1.0	2.0

POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) AND CARCINOGENIC PAHs						
Naphthalene (91-20-3)	Batch/Weekly	Grab	4.8 ^a	625.1	1.6	4.8
CONSTRUCTION STORMWATER GENERAL PERMIT BENCHMARKS						
Parameter	Sampling Frequency*	Sample Type	Benchmark	Analytical Method		
Turbidity	Batch/Weekly	Grab	25 NTU	SM2130 ^f		
pH	Batch/Weekly	Grab	6.5 - 8.5 SU	SM4500-H ⁺ B		
NOTES						
a	No applicable surface water criterion; value is laboratory quantitation level.					
b	NWTPH-Dx = Northwest Total Petroleum Hydrocarbons – Semi-volatile (“diesel”) for diesel range organics and heavy oils (includes jet fuels, kerosene, diesel-oils, hydraulic fluids, mineral oils, lubricating oils, and fuel oils).					
c	NWTPH-Gx = Northwest Total Petroleum Hydrocarbons – Volatile petroleum products including aviation and automotive gasolines, mineral spirits, Stoddard solvent, and naphtha.					
d	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240). Based on Hardness of 46.0 mg/L for Hardness Dependent Metals. The Indicator Level for hardness dependent metals is expressed as a dissolved metal value. Meeting the Indicator Level using analytical protocol for total or dissolved metal values meets the intent of this order.					
e	Indicator Level total chromium is actually for hexavalent chromium using Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240) because there is no water quality standard for total chromium.					
f	Or equivalent.					
h	Applicable surface water criterion does not exist for barium. The indicator level of 1,000 µg/L for barium is based on groundwater quality standards to be protective of human health and the environment.					
*	If permission is granted for flow through, sampling will then be weekly.					

2. Failure to Comply With This Order

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

3. Your Right to Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of Ecology mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.

4. Filing with the PCHB

For the most current information regarding filing with the PCHB, visit:
<https://eluhwa.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Addresses:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

5. Contact Information

Please direct all questions about this Administrative Order to:

Charles Hackel
Department of Ecology
Northwest Region Office
P.O. Box 330316
Shoreline, WA 98133-9716

Phone: 425-213-9832
Email: chac461@ecy.wa.gov

6. More Information

- **Pollution Control Hearings Board Website:**
<https://www.eluho.wa.gov/>
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board:**
<https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<https://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, Rules, & Rulemaking Website**
<https://ecology.wa.gov/Footer/rulemaking>

7. Signature



Rachel McCrea
Water Quality Section Manager
Northwest Region Office

May 17, 2024

Date