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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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May 19, 2021

Dave Becher  
Washington State Department of Transportation  
999 3<sup>rd</sup> Ave, Suite 2200  
Seattle, WA 98104  
([BecherD@wsdot.wa.gov](mailto:BecherD@wsdot.wa.gov))

**Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following  
Hazardous Waste Site:**

- **Site Name:** Montlake Texaco
- **Site Address:** 2625 E Montlake Pl E, Seattle WA 98112
- **Facility/Site No.:** 47724816
- **Cleanup Site ID No.:** 14857
- **VCP Project No.:** NW3242

Dear Dave Becher:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the *Remedial Action Plan, Montlake Gas Station (RAP)*, dated March 31, 2021, for the Montlake Texaco facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

### **Issue Presented and Opinion**

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Does the *RAP* meet the stated objectives of the interim action, as a step towards Site cleanup?

**YES. Ecology has determined removal of the USTs and accessible contamination (soil and groundwater), in situ treatment with oxygen-release compound (ORC), and development of a groundwater confirmation monitoring plan is an interim action that is expected to greatly support progress towards Site cleanup.**

## **Description of the Site**

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This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Total petroleum hydrocarbons (TPH) in the gasoline, diesel, and oil ranges (TPH-G, TPH-D, and TPH-O); benzene, toluene, ethylbenzene, and xylenes (BTEX); and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) into the Soil.
- TPH-G, TPH-D, TPH-O, BTEX, cPAHs, and arsenic into the Groundwater.

**Enclosure A** includes a description and diagrams of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

## **Basis for the Opinion**

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This opinion is based on the information contained in the documents listed in **Enclosure B**. A number of these documents are accessible in electronic form from the [Site web page](https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=14857)<sup>1</sup>. The complete records are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Visit our [Public Records Request page](https://ecology.wa.gov/publicrecords)<sup>2</sup> to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or 360-407-6040.

This opinion is void if any of the information contained in those documents is materially false or misleading.

## **Analysis and Opinion**

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Based on a review of the *RAP*, Ecology has determined:

- Ecology concurs with the interim action planned for the Site, which consists of the following elements:
  - Decommission Site monitoring wells RW-1-19, MW-4-19, and MW-1-19, located in the area to be excavated. The wells will be decommissioned by a Washington-licensed driller, in accordance with WAC 173-160.

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<sup>1</sup> <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=14857>

<sup>2</sup> <https://ecology.wa.gov/publicrecords>

- Demolish foundations (buildings, fueling canopy supports, and fueling islands) over the area to be excavated.
- Excavate soil to expose and remove USTs, UST piping, and contaminated soil to the extent feasible, given constraints of underground utilities and adjacent roadways (see **Enclosure A, Figure 9**).
- Manage soil and groundwater encountered during excavation work in accordance with MTCA requirements and off-Site disposal permits.
- Place clean backfill mixed with ORC pellets in the excavation, to promote degradation of residual petroleum-related contamination in soil and groundwater.
- Complete confirmation sampling of soil from excavation sidewalls and bottom, at sufficient locations to document residual concentrations of petroleum-related contaminants of concern above MTCA cleanup levels.
- Prepare a Remedial Action Report that documents the completed interim action.
- Ecology recommends including the following items in the Remedial Action Report:
  - Identify locations where contaminated soil with chemical concentrations above MTCA cleanup levels could not be excavated, and therefore will remain in place.
  - Determine if the extent of groundwater impacts has been delineated.
  - Present a plan to assess compliance with MTCA groundwater cleanup standards, including monitoring well locations, monitoring frequency, and analytical parameters.
  - Provide an updated discussion of elements needed to complete a Property No Further Action (NFA) opinion by Ecology, including:
    - Applicability of a Groundwater Model Remedy, eliminating the need for a Feasibility Study and Disproportionate Cost Analysis;
    - Applicability of an Environmental Covenant, to document the presence of residual contamination above MTCA cleanup levels;
    - Sufficiency of the interim action as the cleanup action for the Site, and options for additional interim actions, if necessary; and
    - Predicted duration of confirmational groundwater monitoring to meet requirements of a Property NFA.

- Include copies of the Resource Protection Well Reports for decommissioned monitoring wells in the Remedial Action Report.
- Ecology understands that ORC “socks” have been placed in on-Site monitoring wells RW-1-19 and MW-3-19, to encourage breakdown of petroleum-contaminated groundwater. Please include a description of this activity in the Remedial Action Report. Specify the duration of treatment cycles for each well, along with performance monitoring data, if collected.
- Ecology appreciates your uploading of Site data to the Environmental Information Management (EIM) database, through the most recent field collection end date of January 9, 2020. Please continue uploading data to EIM as results of additional samples from the Site are received.

### **Limitations of the Opinion**

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#### **1. Opinion does not settle liability with the state.**

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person’s liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

#### **2. Opinion does not constitute a determination of substantial equivalence.**

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70A.305.080 and WAC 173-340-545.

#### **3. State is immune from liability.**

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70A.305.170(6).



## **Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/vcp](http://www.ecy.wa.gov/vcp). If you have any questions about this opinion, please contact me by phone at (425) 324-1892 or e-mail at [michael.warfel@ecy.wa.gov](mailto:michael.warfel@ecy.wa.gov).

Sincerely,



Michael R. Warfel  
Site Manager  
Toxics Cleanup Program, NWRO

Enclosures (2):   A – Description and Diagrams of the Site  
                          B – Basis for the Opinion: List of Documents

cc:     Tom Mergy, PBS ([tom.mergy@pbsusa.com](mailto:tom.mergy@pbsusa.com))  
       Meg Strong, Shannon & Wilson ([mjs@shanwil.com](mailto:mjs@shanwil.com))  
       Margaret Kucharski, WSDOT ([KucharM@wsdot.wa.gov](mailto:KucharM@wsdot.wa.gov))

## **Enclosure A**

### **Description and Diagrams of the Site**

# Site Description

*This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinions expressed in the body of the letter.*

**Site:** The Site as characterized to date is defined by TPH-G, TPH-D, TPH-O, BTEX releases to soil and TPH-G, TPH-D, TPH-O, BTEX, and arsenic releases to groundwater. The Property on which the Site release occurred is located on King County tax parcel numbers 8805901070, 8805901085, and 8805901090, with a total area of 0.65 acres. The street addresses associated with these parcels are 2010 Roanoke Street, 2625 East Montlake Place East, and 2601 22<sup>nd</sup> Avenue East, respectively.

**Area and Property Description:** The Site is located in the City of Seattle, Washington, in King County (**Figure 1**), and is bounded by the SR 520 eastbound off-ramp, East Montlake Place East, 22<sup>nd</sup> Avenue East, and East Roanoke Street (**Figure 2**). A gasoline service station and the Montlake Market formerly operated on the Property. The surrounding area is occupied by residential and limited commercial development.

**Site History and Current Use:** Earliest available records indicate that the Property was initially developed as early as 1926 and might have included gasoline service station activities at that time. King County Assessor records show the construction date of the Montlake Market building and the service station building as 1937 and 1952, respectively. The service station building was remodeled in approximately 1980 to incorporate bays for auto servicing and repair.

WSDOT acquired the Property in June 2019. Business activities in these two structures ceased at the end of 2019 and the structures were demolished in early 2020. The WSDOT contractor for the SR 520 Montlake Project is currently using the Property for construction equipment staging.

**Sources of Contamination:** Four underground storage tanks (USTs) remain in place at the Site:

- Two 10,000-gallon leaded gasoline (temporarily closed),
- 5,000-gallon unleaded gasoline (temporarily closed), and
- 300-gallon waste oil (closed in place).

The UST locations are shown on **Figure 2**.

**Physiographic Setting:** The Site is located in the Puget Sound Basin, which is bounded on the east by the Olympic Mountains and the west by the Cascade Mountains. The Site is situated at an elevation of approximately 60 feet above mean sea level (amsl) on a relatively flat area, at the northern terminus Capitol Hill, which reaches elevations exceeding 400 feet amsl to the south. Land slopes from the Site to the west, north, and east towards Portage Bay, State Route 520, and Union Bay, respectively.

**Surface/Storm Water System:** The Site is located approximately 800 feet, 1,200 feet, and 1,400 feet from Portage Bay, the Ship Canal, and Union Bay, respectively (see **Figure 1**). Stormwater runoff is routed to catch basins on the Property and adjacent City streets.

**Ecological Setting:** The Site is located in a developed area and is surrounded by roadways, commercial properties, and residences. The land surface of the Site and surrounding area is primarily covered by paving, with interspersed landscaping and open spaces. The Site qualified for a simplified Terrestrial Ecological Evaluation (TEE) per Ecology requirements, which concluded that no further evaluation was necessary.

**Geology:** Borings drilled on the Site encountered the following geologic strata (**Figure 3**):

- Sandy silt to silty sand (including pavement base course, fill, and native materials), approximately 18 feet thick;
- Sand to silty sand with gravel, discontinuous, encountered from 20 to 25 below ground surface (bgs); and
- Very dense silty sand to sandy silt (glacial till). The glacial till surface elevation is variable beneath the Site and forms a trough that extends southeast to northwest, varying in elevation from 45 feet to 31 feet amsl (Figure 4). The till extends to at least 60 feet bgs, the maximum depth explored.

**Groundwater:** Groundwater was encountered in monitoring wells drilled at the Site at depths of 9 to 17 feet bgs in October 2019, on top of the glacial till. A piezometric surface map prepared using these groundwater elevations indicates a flow direction to the north (**Figure 5**).

Groundwater flow appears to be influenced by the sloping surface of the glacial till and by the permeable backfill surrounding a 90-inch diameter combined sewer line that crosses the Site. Quarterly groundwater levels measured in one monitoring well over a 21-month period showed seasonal variations up to 12 feet.

**Release and Extent of Contamination:** Investigations completed at the Site have identified the following likely sources of petroleum contamination of soil and groundwater:

- Leaks from gasoline UST systems (tanks and piping),
- Spills from gasoline dispensing systems on pavement and seepage through pavement cracks, and
- Spills into stormwater catch basins and subsequent leakage from conveyance system piping.

A review of laboratory chromatograms of petroleum contaminated samples indicated that multiple releases likely occurred from these sources over time. This conclusion is based on the weathering patterns of petroleum constituents observed in the chromatograms.

The distribution of contaminants of concern (COCs) in soil is shown in **Figure 6** and in groundwater in **Figures 7 and 8**. Contamination in soil and groundwater was observed in the area within and surrounding the pump islands, and extends into the adjacent E Montlake Place E and SR 520 rights-of-way. Contamination in groundwater also appears to extend to the north and northwest, within the backfill of the combined sewer line.

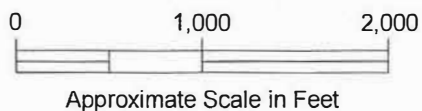
**Planned Interim Action:** The *Remedial Action Plan, Montlake Gas Station (RAP)*, dated March 31, 2021, proposes an interim action at the Site, consisting of:

- Excavate and remove the UST system and accessible contaminated soil.
- Place clean backfill mixed with oxygen-release pellets.
- Complete confirmation soil sampling to document residual concentrations of petroleum contaminants of concern above MTCA cleanup levels.
- Develop a plan for confirmational groundwater sampling.

**Figure 9** shows the estimated extent of the planned excavation.

## **Site Diagrams**





**NOTE**

Bing Map Image adapted from aerial imagery provided by Autodesk Live Maps and Microsoft Bing Maps reprinted with permission from Microsoft Corporation.

Montlake Gas Station VCP  
Remedial Investigation Report  
2625 Montlake Place East  
Seattle, WA

**VICINITY MAP**

March 2020

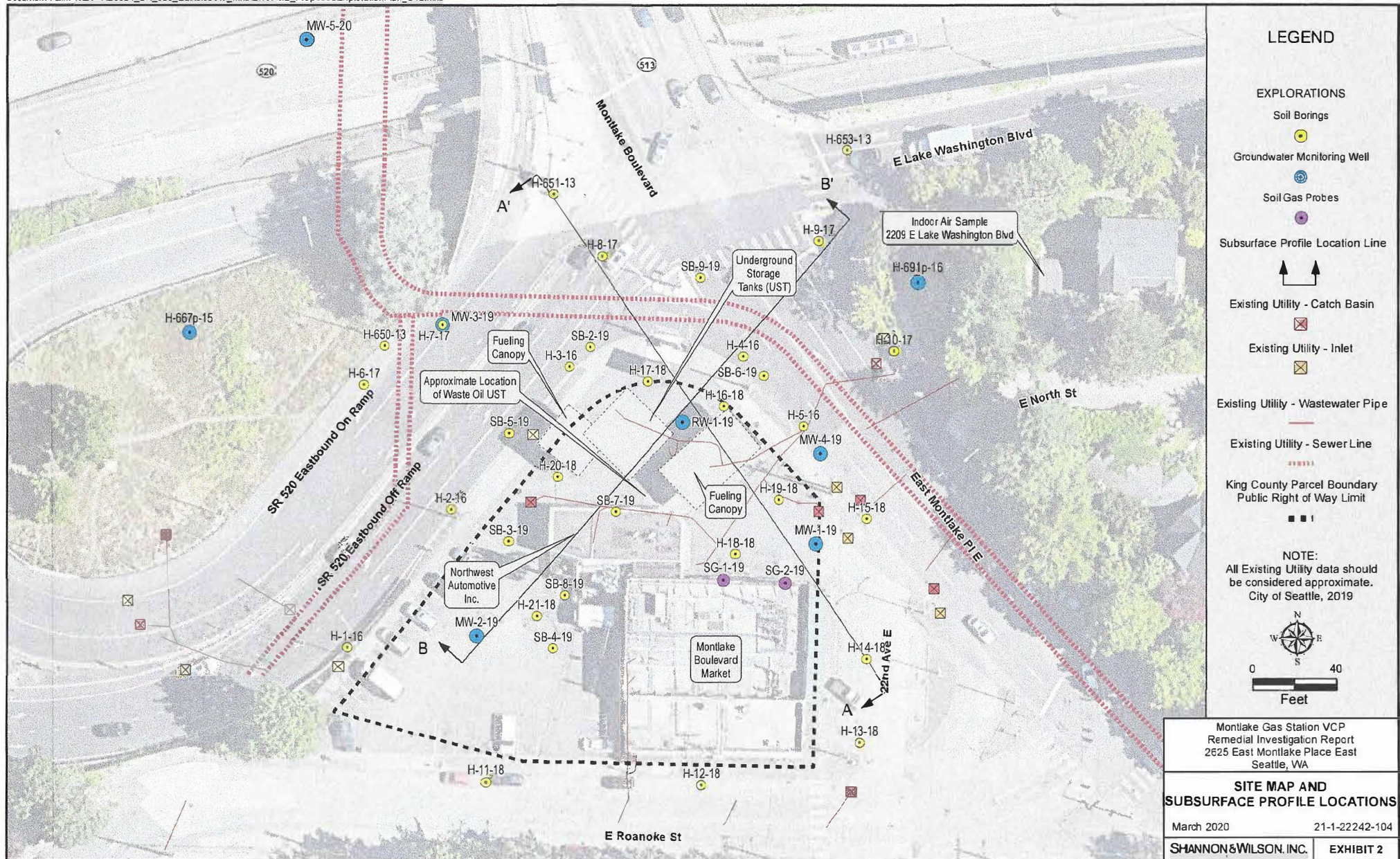
21-1-22242-104

**SHANNON & WILSON, INC.**  
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

**Exhibit 1**

**Enclosure A, Figure 1**

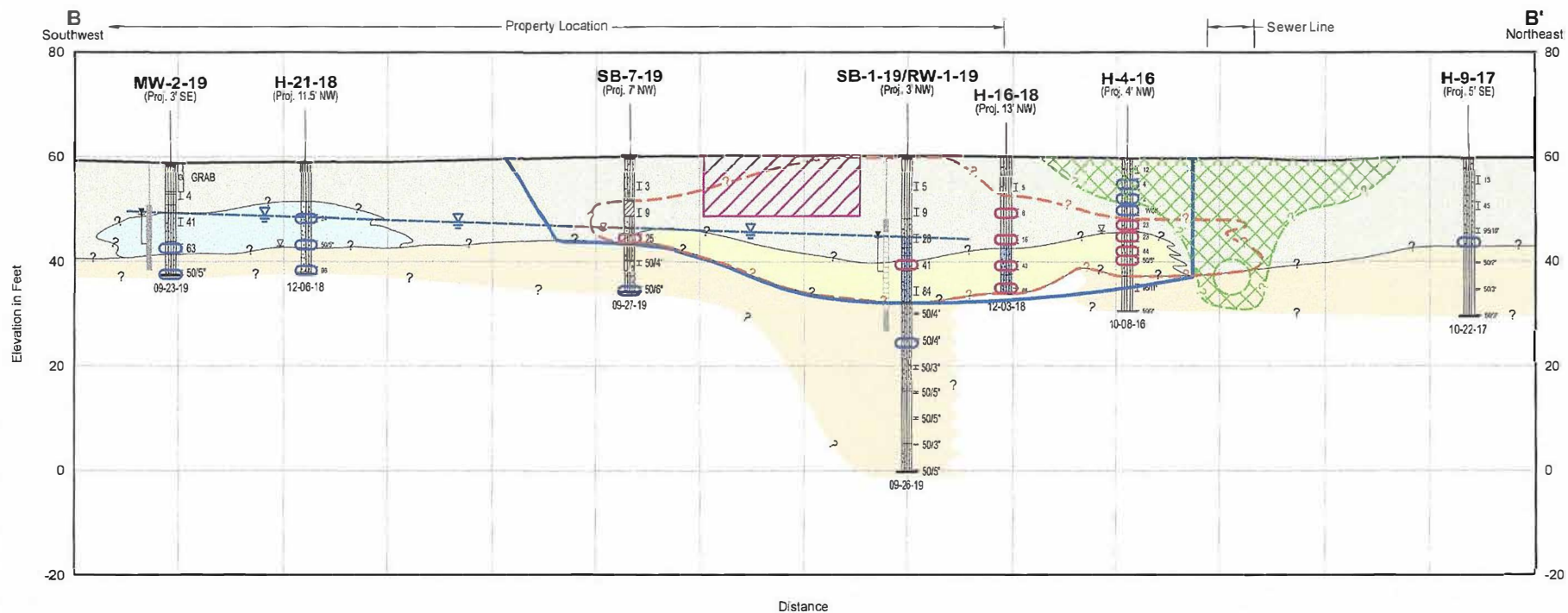




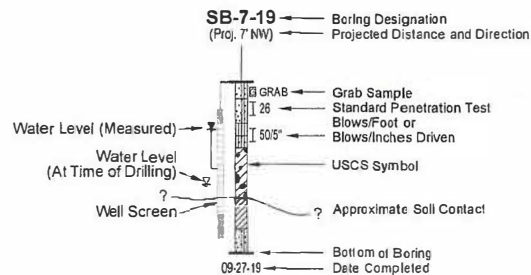
Enclosure A, Figure 2



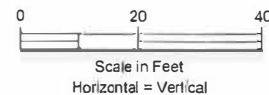
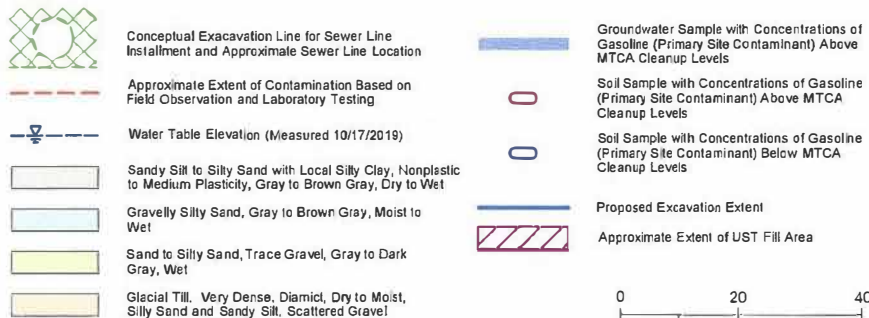
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#### BORING LOG LEGEND (Project Boring)



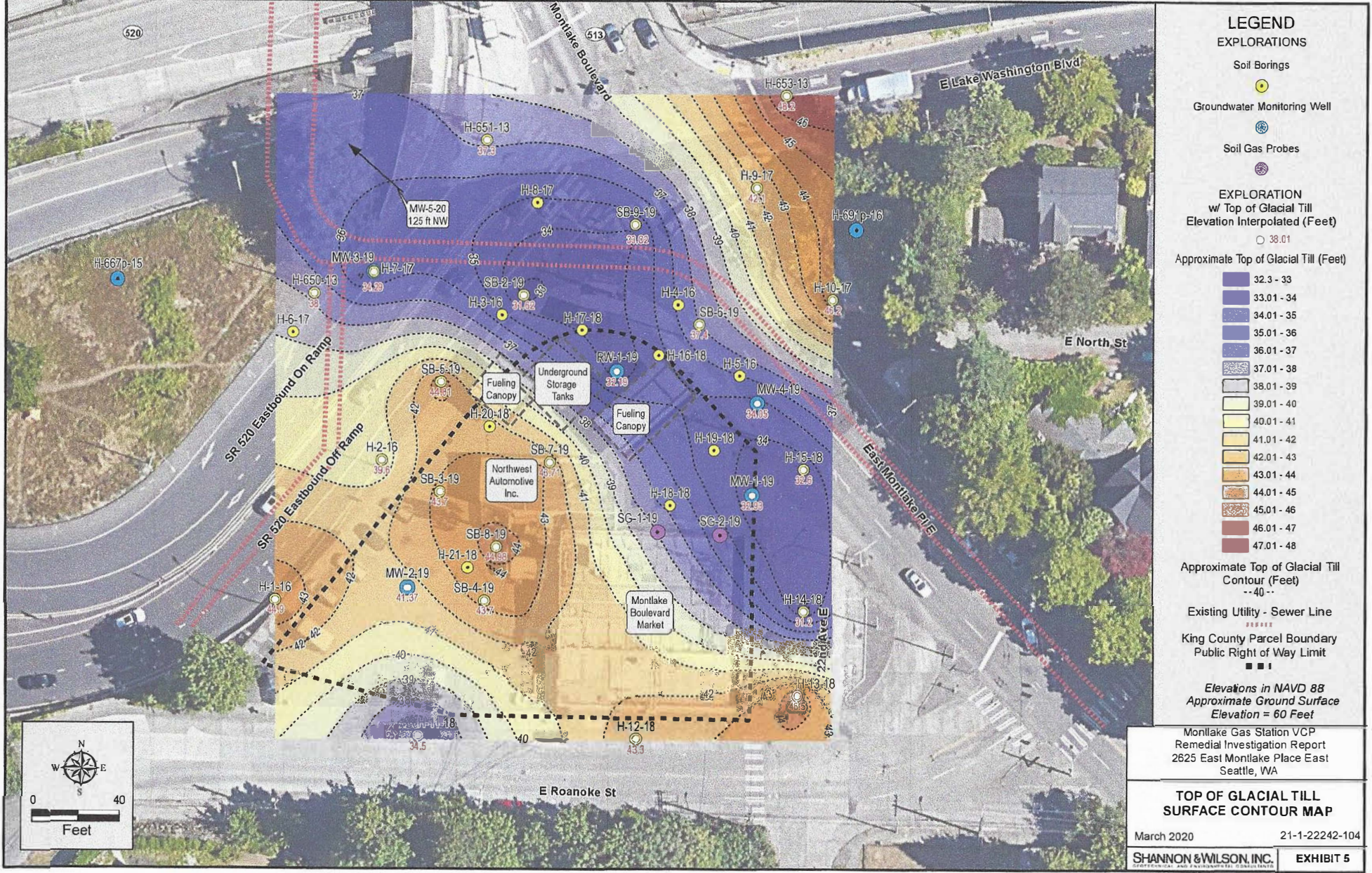
#### LEGEND



Montlake Gas Station VCP Remedial Investigation Report 2625 E Montlake Place E Seattle, WA	
<b>CONCEPTUAL SUBSURFACE CONTAMINANT PROFILE B-B'</b>	
March 2020	21-1-22242-104
<b>SHANNON &amp; WILSON, INC.</b>	<b>EXHIBIT 4</b>

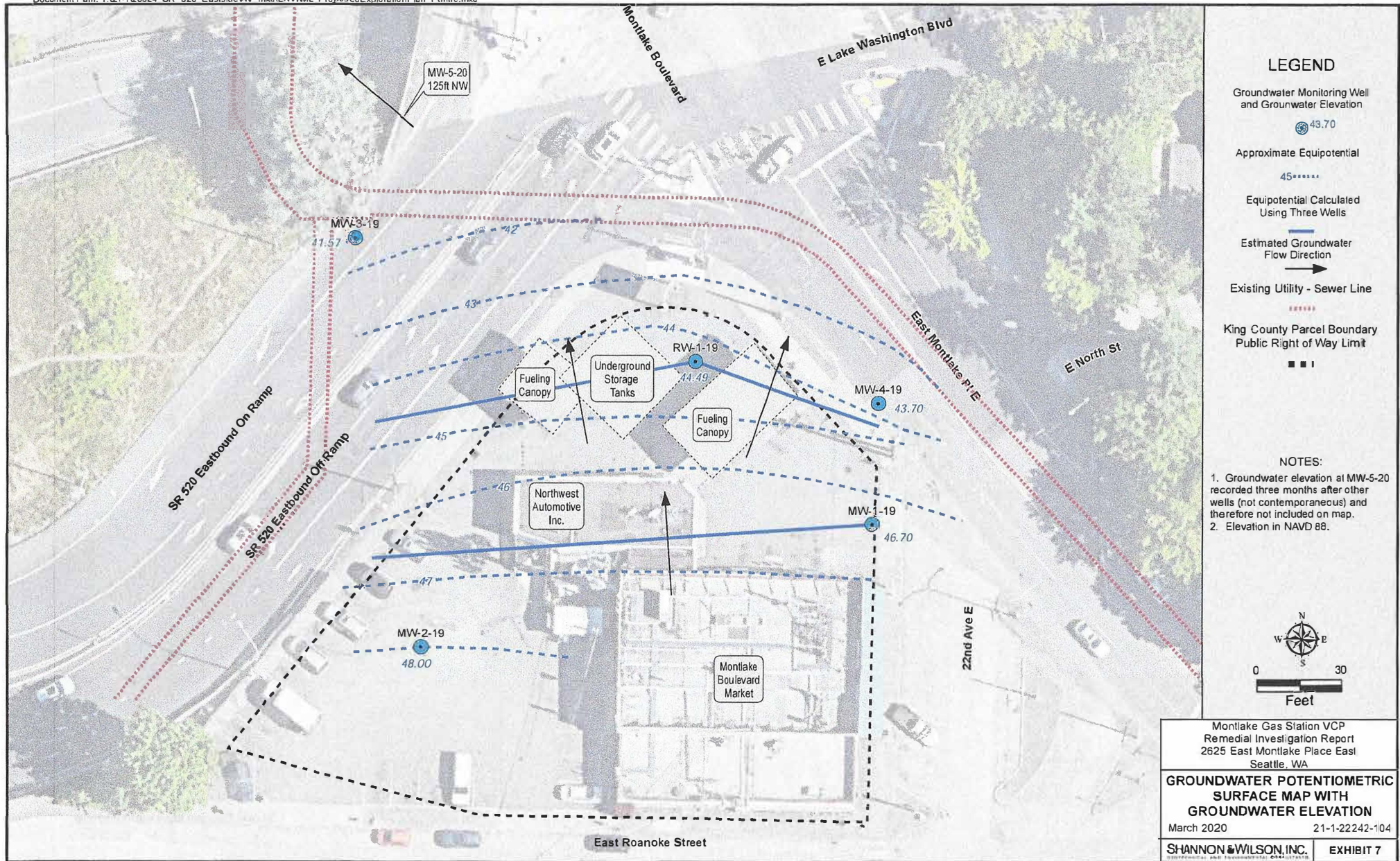
Enclosure A, Figure 3





Enclosure A, Figure 4





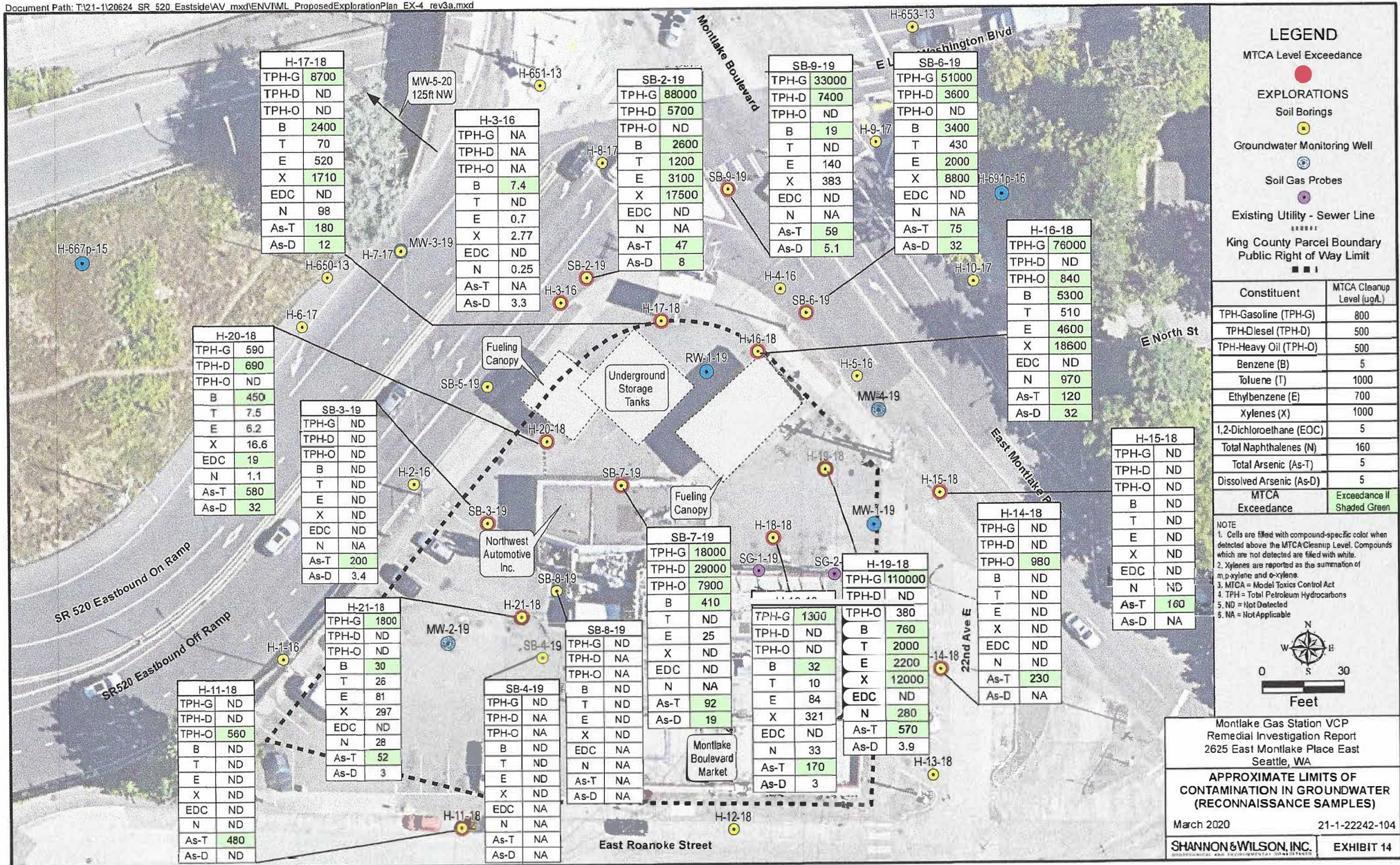
Enclosure A, Figure 5





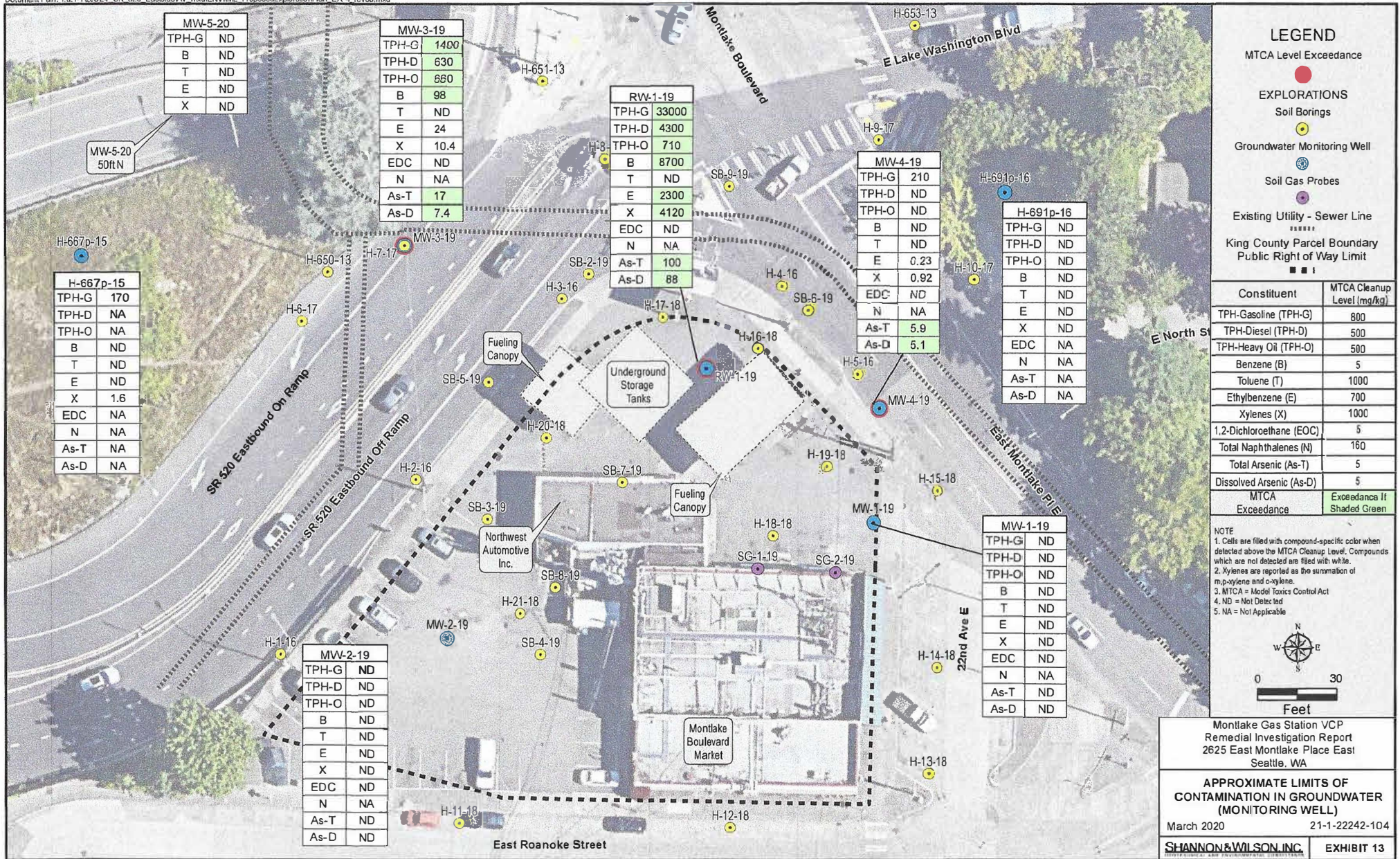
Enclosure A, Figure 6





Enclosure A, Figure 7

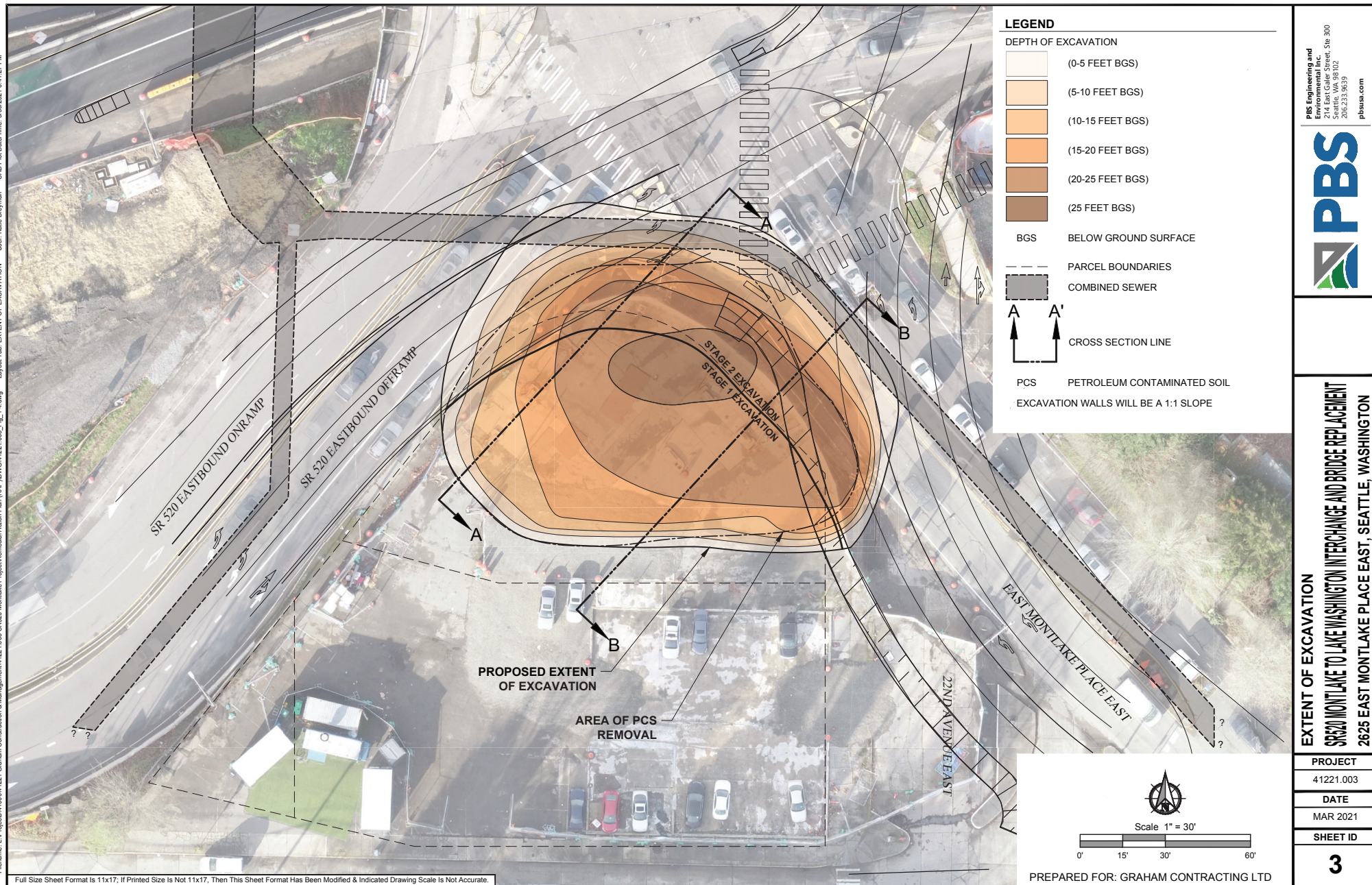




Enclosure A, Figure 8



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Enclosure A, Figure 9

## **Enclosure B**

### **Basis for the Opinion: List of Documents**



1. PBS, 2021. *Remedial Action Plan, Montlake Gas Station, State Route 520 Montlake to Lake Washington Interchange and Bridge Replacement Project, Seattle, WA*. Prepared for Graham Contracting Ltd., Bellevue, WA. March 31, 2021.
2. Washington State Department of Transportation (WSDOT), 2020. *VCP NW 3242, Response to Ecology Opinion Letter Dated July 6, 2020, Montlake Gas Station Remedial Investigation*. October 27, 2020.
3. Washington State Department of Ecology (Ecology), 2020. *Opinion on Remedial Investigation Report, Montlake Texaco, VCP NW3242*. July 6, 2020.
4. Shannon & Wilson (S&W), 2020. *Remedial Investigation Report for Montlake Gas Station, SR 520 Bridge Replacement and HOV Program, Seattle, Washington*. Prepared for Washington State Department of Transportation (WSDOT). March 10, 2020.
5. S&W, 2019. *Data Gaps Investigation Work Plan/Sampling and Analysis Plan for Montlake Gas Station, SR 520 Bridge Replacement and HOV Program, Seattle, Washington*. Prepared for WSDOT. July 23, 2019.
6. S&W, 2019. *2209 East Lake Washington Boulevard Indoor Air Testing*. Letter to Ron Paananen, HDR. March 8, 2019.
7. Hart Crowser, 2019. *Phase II Environmental Site Assessment, Montlake Market and Gas Station Properties, 2625 East Montlake Place East and 2605 22<sup>nd</sup> Avenue East, Seattle, Washington*. Prepared for Montlake LLC and Stelter Montlake LLC. January 30, 2019.
8. Hart Crowser, 2019. *Phase II Environmental Site Assessment, Montlake Market and Gas Station Properties, 2625 East Montlake Place East and 2605 22<sup>nd</sup> Avenue East, Seattle, Washington; Release Reporting Letter to Washington State Department of Ecology*. Prepared for Montlake LLC and Stelter Montlake LLC. January 30, 2019.
9. Ecology, 2019. *Early Notice Letter Regarding Release of Hazardous Substances, Montlake Texaco Site, Letter to Scott Baker, Montlake Texaco, 2625 E Montlake Place E, Seattle, WA 98112*. January 28, 2019.
10. Ecology, 2019. *Early Notice Letter Regarding Release of Hazardous Substances, Montlake Texaco Site, Letter to Kemper Development Company, 575 Bellevue Square, Bellevue WA 98104*. January 28, 2019.
11. Innovex Environmental Management, Inc. (Innovex), 2019. *Third Supplemental Limited Phase II Environmental Site Assessment, 2625 East Montlake Place East, Seattle, Washington*. Prepared for WSDOT. January 16, 2019.

12. Innovex, 2018. *Second Supplemental Limited Phase II Environmental Site Assessment, 2625 East Montlake Place East, Seattle, Washington*. Prepared for WSDOT. June 15, 2018.
13. Innovex, 2018. *Supplemental Limited Phase II Environmental Site Assessment, 2625 East Montlake Place East, Seattle, Washington*. Prepared for WSDOT. February 21, 2018.
14. Innovex, 2016. *Phase II Environmental Site Assessment, State Route (SR) 520 Eastbound Off-Ramp to Montlake Vicinity, Seattle, Washington*. Prepared for WSDOT. December 8, 2016.
15. WSDOT, 2016. *Limited Phase I Environmental Site Assessment, SR520 Montlake '76 Gasoline and Service Station, Seattle, Washington*. February 16, 2016.