

Mr. J. Rounds
August 10, 2011
Page 2

Enclosure A includes a detailed description and diagram 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

This opinion is based on the information contained in the following documents:

1. Antea Group, *Soil Investigation Report, ConocoPhillips Site No. 2708566 (RM&R 4922), 5011 South 88th Street, Auburn, Washington, VCP # NW 2236*, February 14, 2011.
2. Delta Consultants, *Second Quarter 2010 Groundwater Monitoring Report, ConocoPhillips Site No. 2708566 (RM&R 4922), 5011 South 88th Street, Auburn, Washington, VCP # NW 2236*, December 9, 2010.
3. Delta Consultants, *3Q09 Groundwater Monitoring Report, ConocoPhillips Site No. 2708566 (RM&R 4922), 5011 South 88th Street, Auburn, Washington, VCP # NW 2236*, November 11, 2009.
4. Delta Consultants, *2Q09 Groundwater Monitoring Report, ConocoPhillips Site No. 2708566 (RM&R 4922), 5011 South 88th Street, Auburn, Washington, VCP # NW 2236*, July 15, 2009.
5. Stantec Consulting Corporation, *Subsurface Investigation ConocoPhillips Site No. 2708566 (RM&R 4922), 5011 South 88th Street, Auburn, Washington, VCP # NW 2236*, December 30, 2008.
6. ATC Associates Inc., *Due Diligence Site Assessment Report ConocoPhillips Facility No. 2708566, 5011 South 288th Street, Auburn, Washington, VCP # NW 2236*, Feb 7, 2008.
7. Secor International, Inc., *Product Dispenser and Canopy Replacement Soil Sampling Report ConocoPhillips Facility No. 2708566 5011 South 288th Street, Auburn, Washington, VCP # NW 2236*, July 23, 2007.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7190.

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

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meets the substantive requirements of MTCA.

Soil

Cleanup Levels: Future site plans include residences or facilities to which the public has access, so unrestricted land use is the appropriate basis for development of soil cleanup levels. For unrestricted land use, direct contact, either Method A or Method B cleanup levels can be used. Because the site has relatively few contaminants, Method A can be used to develop cleanup levels for the Site contaminants of concern. Cleanup levels protective of terrestrial ecological receptors are not necessary as contamination is at least 15 feet or more below ground surface, making wildlife exposure unlikely.

Point of Compliance: For soil cleanup levels based on direct contact, and protection of groundwater, the point of compliance is defined as throughout the Site.

Groundwater

Cleanup Levels: Appropriate groundwater cleanup levels are the WAC 173-340 Method A Table 720-1 values of 800 ug/l for TPH – GRO, 5 ug/l for Benzene, 1,000 ug/l for Toluene, 700 ug/l for Ethylbenzene, 1,000 ug/l for Xylenes, and 15 ug/l for lead.

Point of Compliance: The standard point of compliance for groundwater is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest depth which could potentially be affected.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

Your characterization is sufficient because the horizontal and vertical extent of contamination associated with the product lines and dispenser islands was determined. The cleanup selected consisted of the excavation and removal of approximately 300 tons of petroleum contaminated soil, and excavation and removal of all remaining contaminated soil, with confirmational sampling conducted for all appropriate constituents. Groundwater was sampled and assessed quarterly, with four consecutive quarters recently showing groundwater meeting cleanup standards.

This action meets applicable minimum cleanup requirements stipulated in MTCA WAC 173-340-360; protect human health and the environment, comply with cleanup standards, use permanent solutions, and provide for reasonable restoration time frames.

4. Cleanup.

Ecology has determined the cleanup you performed meets applicable cleanup standards at the Site.

The ground water monitoring conducted thus far is now sufficient to demonstrate that cleanup standards have been met and the soil sampling appears to demonstrate that all soil above cleanup levels was removed. Approximately 300 tons of soil was removed and transported to Waste Management's Alaska Street Reload and Recycling station in Seattle for disposal. Four consecutive monitoring events of required quarterly groundwater sampling have not shown exceedances of MTCA Method A cleanup levels. There has also been a clear demonstration that the soil showing concentrations about cleanup levels was removed.

Method A cleanup levels for contaminants of concern have been achieved in soil and groundwater by the described remedial actions at the Site.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank List.

Limitations of the Opinion

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 70.105D.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 70.105D.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 70.105D.030(1)(i).

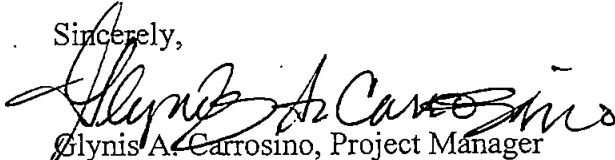
Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (VCP # NW2236).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion, please contact me by phone at (425) 649-4422 or e-mail at gcar461@ecy.wa.gov.

Mr. J. Rounds
August 10, 2011
Page 6

Sincerely,



Glynis A. Carrosino, Project Manager
NWRO Toxics Cleanup Program

gc/kh

Enclosure: A – Description and Diagrams of the Site

By certified mail 7011 0470 0003 3682 0488

cc: Hamilton Tran, Pacific Convenience and Fuels, LLC
Dolores Mitchell, VCP Financial Manager, Ecology HQ

Enclosure A

Description and Diagrams of the Site

Site Description

The Site is defined by petroleum and lead releases associated with operation of a retail Circle K Convenience Store and gasoline station located at 5011 South 288th Street, Auburn, Washington. Operation of the gas station is ongoing. The convenience store building is located in the southwest corner of the property with dispenser islands located northeast of the station building. Three 10,000 gallon fiberglass underground storage tanks (USTs) are located north of the station building.

Land use in the vicinity of the Property consists of vacant commercial land to the west and south and residential developments to the north and east. Surrounding land use is zoned residential. The site is bordered to the north by South 288th Street, to the east by 51st Avenue South, and to the south, southwest, and west by undeveloped forested land.

Subsurface soil encountered at the site consists of native silty sands with gravel and sandy silt with gravel. Depth to groundwater is approximately 14 to 20 feet and groundwater appears to flow toward the southeast.

The elevation of the site is approximately 430 feet above mean sea level. The nearest surface water body is an unnamed creek passing through Camelot Park, located approximately 1/3 mile south of the Property.

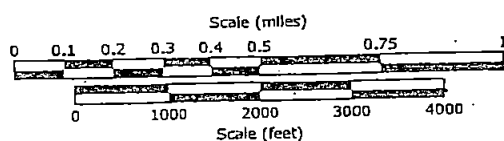
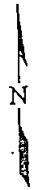
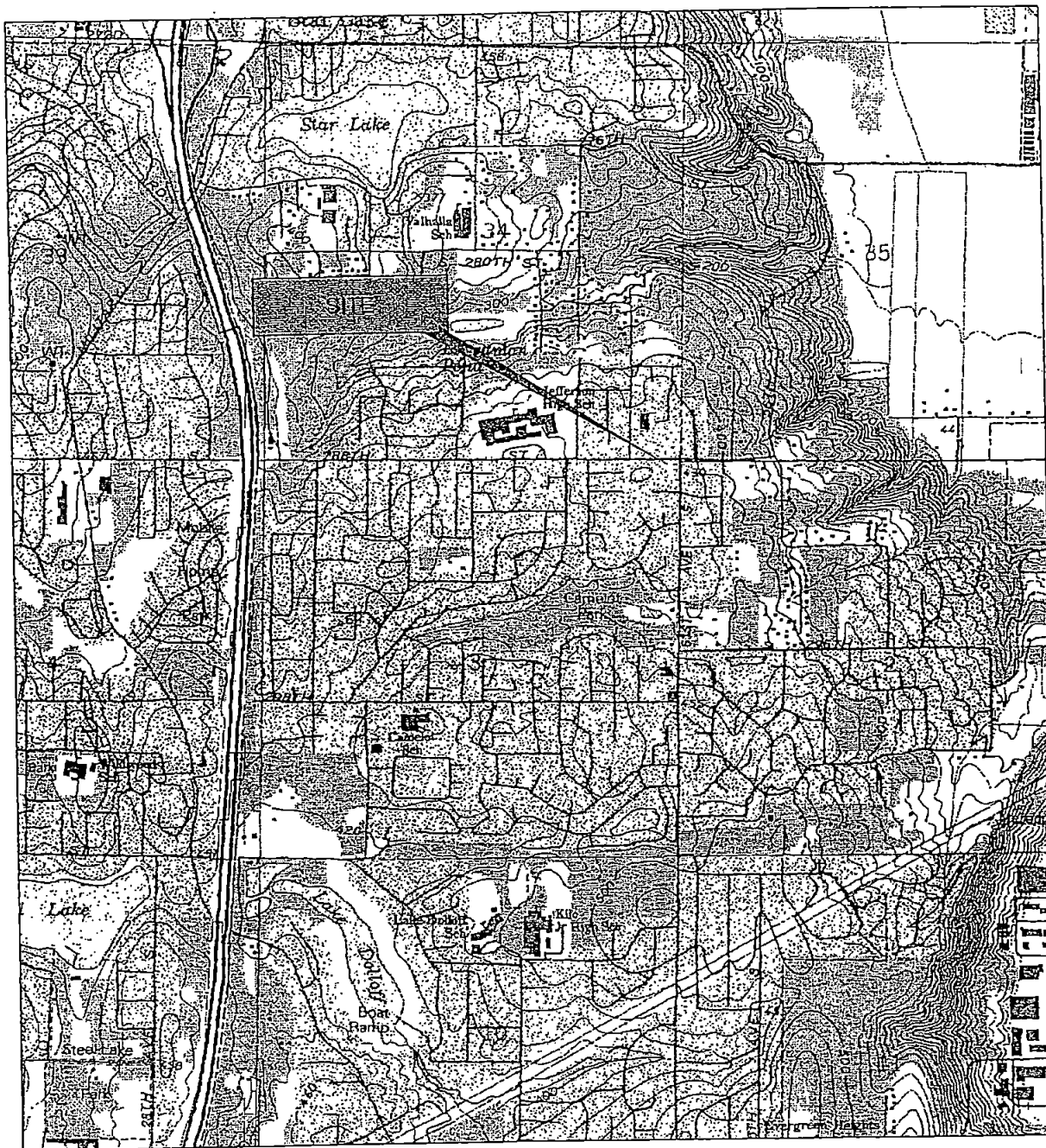
Site History

Soil samples collected in March and April, 2007, during the replacement of the product lines, dispenser islands, and dispenser island canopy showed concentrations of benzene up to 8 times MTCA Method A cleanup levels. Approximately 300 tons of soil was removed and transported to Waste Management's Alaska Street Reload and Recycling station in Seattle for disposal.

In October 2007, soil and groundwater samples were collected from four soil borings. Total lead exceeded the MTCA Method A cleanup level in groundwater from one of the borings.

In October 2008, additional subsurface investigation was conducted. Three monitoring wells were installed. Soil and groundwater samples collected during this assessment were all reported as being below MTCA Method A cleanup levels.

In August 2010, an additional boring was installed to the depth of the previously impacted soil. Groundwater samples were also taken from monitoring wells MW-1 and MW-2 on October 7, 2010. Soil and groundwater samples collected during this additional assessment were all reported as being below MTCA Method A cleanup levels. The site has reported more than four quarters of below MTCA Method A cleanup levels.



from Poverty Bay 7.5 minute USGS Quadrangles

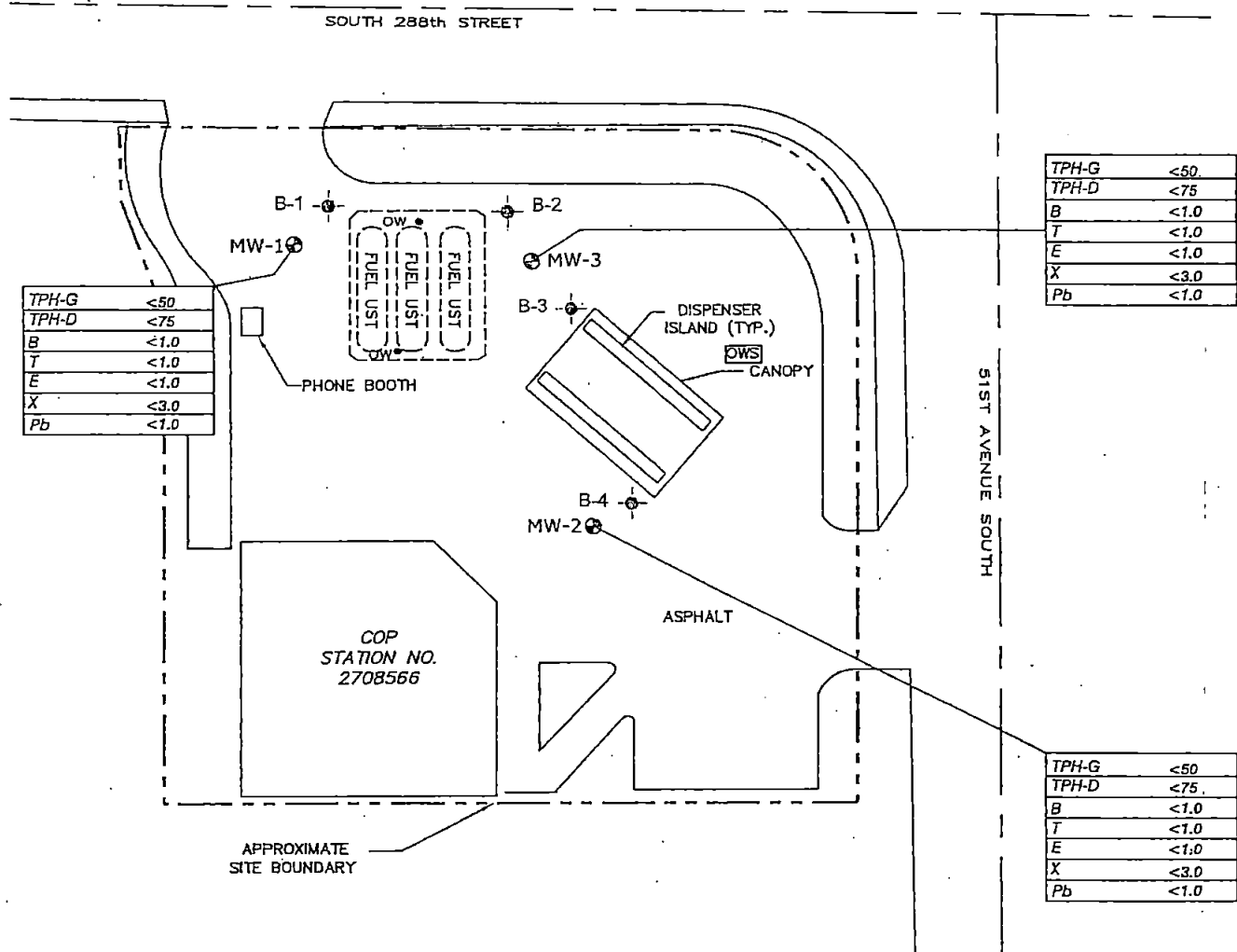
Figure 1

SITE LOCATION MAP

Facility NO 2708566
5011 South 288th Street
Auburn, Washington

Project No. 142708566	Prepared by TB	Drawn by LNH
Date 6/2/09	Reviewed by NB	Filename 2708566-SLC





LEGEND

- SITE BOUNDARY
- MW-1 MONITORING WELL LOCATION
- B-1 SOIL BORING LOCATION (BORINGS ADVANCED BY ATC ASSOCIATES, INC. IN 2007)
- OW OBSERVATION WELL LOCATION
- UST UNDERGROUND STORAGE TANK
- OWS OIL/WATER SEPERATOR

NOTES:

- 1). ALL LOCATIONS ARE APPROXIMATE.

ANALYTES:

TPH-G	GASOLINE RANGE HYDROCARBONS
TPH-D	DIESEL RANGE HYDROCARBONS
B	BENZENE
T	TOLUENE
E	ETHYLBENZENE
X	TOTAL XYLENES
Pb	TOTAL LEAD

ALL CONCENTRATIONS IN MICROGRAMS PER LITER (ug/L)

< = LESS THAN THE STATED LABORATORY METHOD REPORTING LIMIT

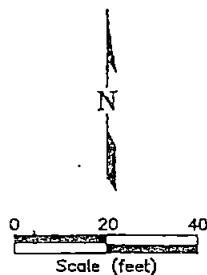


Figure 3

GROUNDWATER CONCENTRATION MAP

Facility NO 2708566
5011 South 288th Street
Auburn, Washington

Project No. 142708566	Prepared by TB	Drawn by LNH
Date 8/3/09	Reviewed by NB	Filename 2708566

