



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 1, 2010

Scott Zorn
2300 Eastlake Avenue E., Suite 200
Seattle, WA 98102

Re: Further Action at the following Site:

- **Site Name:** Arco Station 6217
- **Site Address:** 12903 Northeast 20th Street, Bellevue, WA
- **Facility/Site No.:** 26773589
- **VCP Project No.:** NW2279

Dear Mr. Zorn:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Arco Station 6217 facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

YES. Ecology has determined that further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

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

- Gasoline-range petroleum hydrocarbons and associated compounds of benzene, toluene, ethylbenzene, and xylenes into the soil and groundwater.

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. Groundwater Monitoring Report, Atlantic Richfield Company, Annual Report for 2009. Prepared by Delta Environmental Consultants Inc., dated December 15, 2009.
2. Groundwater Monitoring Report, Atlantic Richfield Company, Annual Report for 2008. Prepared by Delta Environmental Consultants Inc., dated January 28, 2009.
3. Groundwater Monitoring Report, Atlantic Richfield, Annual Report for 2007. Prepared by Delta Environmental Consultants Inc., dated August 15, 2007.
4. Environmental Oversight during Retail Facility Upgrade Activities, Arco Facility No. 6217, 12903 Northeast 20th Street, Bellevue, WA. Prepared by Delta Environmental Consultants Inc., dated May 10, 2005.
5. Groundwater Monitoring Report, Atlantic Richfield Company, Third and Fourth Quarters of 2003. Prepared by Delta Environmental Consultants Inc., dated January 5, 2004.
6. Groundwater Monitoring Report, Atlantic Richfield Company, First and Second Quarters of 2003. Prepared by Delta Environmental Consultants Inc., dated October 1, 2003.
7. Subsurface Investigation Report, Arco Facility No. 6217, 12903 Northeast 20th Street, Bellevue, Washington. Prepared by Delta Environmental Consultants Inc., dated December 4, 1995.
8. Re: Soil Vapor Extraction System Operation and Performance Summary, Arco Service Station No. 6219, 12903 Northeast 20th Street, Bellevue, Washington. Prepared by Geraghty & Miller, Inc., dated August 10, 1994.
9. Environmental Assessment, Underground Storage Tank Upgrade, Arco Service Station No. 6219, 12903 Northeast 20th Street, Bellevue, Washington. Prepared by Pacific Environmental Group, Inc., dated February 16, 1993.
10. Preliminary Subsurface Assessment at Arco Service Station No. 6217, SW Corner of NE 20th Street and 130th Avenue NE, Bellevue, Washington. Prepared by Geraghty & Miller, Inc., dated March 6, 1990.

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 **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 not sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

Analytical results from soil confirmation samples collected after tank removal indicated residual contamination remained under the former UST excavation area. The soil samples collected during the 2005 site investigation in this area were taken at depths above the bottom of the former USTs, which might not catch any potential residual contamination still present in that area.

Results from the most recent four groundwater monitoring events conducted at MW-2 have showed compliance with MTCA Method A cleanup levels. However, only MW-2 appears to be downgradient of the contaminated soil areas. The other wells are either upgradient or off to the side, and would not be expected to show any contamination. MW-2 may not be ideally situated to detect contamination considering the flow direction at the Property.

Additional sampling should be conducted in the vicinity of former UST excavation (west of MW-2) to demonstrate whether residual contamination is still present.

2. Establishment of cleanup standards.

It has not been determined whether residual contamination remains on the Site or not. Therefore, Ecology could not determine whether the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA at this time.

3. Selection of cleanup action.

It has not been determined whether residual contamination remains on the Site or not. Therefore, Ecology could not determine whether the cleanup action you selected for the Site meets the substantive requirements of MTCA at this time.

4. Cleanup.

It has not been determined whether residual contamination remains on the Site or not. Therefore, Ecology could not determine whether the cleanup you performed meet any cleanup standards at the Site at this time.

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).

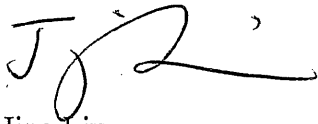
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Contact Information

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/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (425) 649-4310 or e-mail at jliu461@ecy.wa.gov.

Sincerely,



Jing Liu
NWRO Toxics Cleanup Program

Enclosure A – Description and Diagrams of the Site

cc: Sara Nied, Ecology VCP Administrator