



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 9, 2011

COMPLETED

Mr. Gopal Kamboj
Royal G&H Inc.
1111 17th St SE
Auburn, WA 98002

Re: Further Action at the following Site:

- **Site Name:** Royal Auburn BP
- **Site Address:** 1111 17th St SE, Auburn, Washington
- **Facility/Site No.:** 98619798
- **VCP Project No.:** NW2375

Dear Mr. Kamboj:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Royal Auburn BP 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

Ecology issued a No Further Action letter on June 11, 2007 associated with the cleanup of a site (VCP NW1772), including the former oil and used oil tanks area and the vicinity of former canopy at this Property. It should be noted this opinion applies to a different release, and therefore a different site as described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline-range petroleum hydrocarbons and associated compounds of benzene, toluene, ethylbenzene and xylenes (BTEX) into the 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

1. Email from Alan Blotch. RE: VCP Site No. NW 2375. August 23, 2011.
2. Email from the City of Auburn. FW: Royal Auburn BP. August 19, 2011.
3. Letter from AeroTech Environmental Consulting Inc. to Ecology. Re: Royal G&H, Inc., 1111 – 17th, SE, Auburn, Washington 98022. VCP Site No. NW2375. Results from Groundwater Samples Drawn for On-Site Monitoring Wells. July 11, 2011.
4. Letter from AeroTech Environmental Consulting Inc. to Ecology. Re: Royal G&H, Inc., 1111 – 17th, SE, Auburn, Washington 98022. VCP Site No. NW2375. Recommended Installation & Configuration of Groundwater Monitoring Wells. May 23, 2011.
5. Site Characterization Report for Royal G&H, Inc., “Royal Auburn 76”, 1111 – 17th, SE, Auburn, Washington 98002. Prepared by AeroTech Environmental Consulting Inc. November 2, 2010.
6. Letter from Ecology dated June 11, 2007. Re: No Further Action Determination under WAC 173-340-515(5) for the Following Hazardous Waste Site. Name: Union 76 Service Station (Formerly Conoco 11065). Address: 1111 17th St., SE, Auburn, Washington. Facility/Site No: 98619798. VCP No: NW1772 (Formerly 1289).
7. Supplemental Subsurface Investigation, ConocoPhillips Site No. 2611065, 1111 17th Street Southeast, Auburn, Washington. Prepared by SECOR. August 15, 2006.
8. Letter from Ecology dated October 21, 2004, Re: Request for Review: Independent Remedial Action, Conoco-Phillips Facility #11065, TCP I.D. #1289.
9. Letter from Ecology dated January 22, 1998. Re: Independent Remedial Action at Service Station No. 11065 (Auburn)
10. Independent Remedial Action Program Report, BP Oil Company Branded Service Station No. 11065, 1111 17th Street Southeast, Auburn, Washington. Prepared by ADAPT Engineering. September 22, 1997.

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**. Ecology has the following comments:

- Groundwater was not encountered during any of the previous investigations, which reached a depth of as much as 46.5 feet below ground surface. This is consistent with the information Ecology has obtained from other sites in the area. It is also consistent with the information provided by the City of Auburn (depth to groundwater is about 50-60 feet below ground surface in this area). However, depth to water was only around 7 feet below ground surface during the sampling event in July 2011. The water sampled may not represent the actual aquifer.
- The amount of water withdrawn from the southwest well in July 2010 appears to be large. It's hard to understand how this water was related with the actual aquifer down at 50-60 feet deep. It's possible there is a very localized perched water zone in the vicinity of the tank pit. However, this needs to be proved.
- The Site is located within the City's Groundwater Protection Zone 1 (6 month time of travel) and Zone 2 (no Valley aquitard), protection of groundwater quality is very important.

The highest concentration of benzene detected from the southwest well was 13 µg/L. Results from the latest monitoring conducted in July 2011 indicated that benzene concentration dropped below the cleanup level. This well is approximately within 6 feet of the leaking spill bucket, and it could represent a "worst case" indicator of groundwater conditions (the uppermost water-bearing zone is closest to the original source of contamination and should be the first

impacted). Therefore, it's not likely that the actual aquifer has been impacted. However, this is just an assumption at this time.

The boring logs are not available at this time, Ecology can't determine how the wells around the tank pit were constructed, or if they could be used for the purpose of groundwater monitoring.

Therefore, Ecology has determined that empirical data is needed to confirm that groundwater has not been impacted at this Site.

- Ecology suggests install three wells around the tank pit to determine groundwater flow, and also collect groundwater samples. If the wells are installed properly, and the results from the samples are all below cleanup levels, the Site is likely to be closed out with a No Further Action determination.

2. Establishment of cleanup standards.

Since the Site has not been fully characterized, Ecology can't determine whether the cleanup levels and points of compliance you established for the Site meet or do not meet the substantive requirements of MTCA at this time.

3. Selection of cleanup action.

Since the Site has not been fully characterized, Ecology can't determine whether the cleanup action you selected for the Site meets or does not meet the substantive requirements of MTCA at this time.

The selected cleanup action included replacement of the spill bucket gasket and extraction of contaminated groundwater, followed by groundwater monitoring.

4. Cleanup.

Since the Site has not been fully characterized, Ecology can't determine whether the cleanup you performed does or does not meet cleanup standards at the Site at this time.

The cleanup included the following actions:

- Fix the spill bucket gasket.
- Approximately 2,150 gallons of water were extracted from the two wells located at the southwest and southeast corner of the tank pit and disposed of off-site.

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).

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, please contact me by phone at (425) 649-4310 or e-mail at jliu461@ecy.wa.gov.

Sincerely,



Jing Liu

Mr. Gopal Kamboj
September 9, 2011
Page 6

NWRO Toxics Cleanup Program

jl: kp

Enclosure A – Description and Diagrams of the Site

cc: Alan Blotch, Aerotech Environmental Consulting, Inc.
Donna Musa, Interim Ecology VCP Administrator