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accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. SECOR International, Inc., *Step-Drawdown Aquifer Test, Constant-Rate Aquifer Test, and Percolation Test for Circle K Store #1476 (Burien 76 Property), 12660 1st Avenue South, Seattle, WA, VCP No. VW2718*, dated October 31, 1995.
2. ATC Associates, Inc., *Ground water Monitoring Report (Third Quarter 2012), Burien 76 Property, 12660 1st Avenue South, Seattle, WA, VCP No. VW2718*, dated December 27, 2012.
3. Cardno ATC., *Post Remediation Soil Assessment Report, Burien 76 Property, 12660 1st Avenue South, Seattle, WA, VCP No. VW2718*, dated April 10, 2013.

The reports listed above will be 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) 649-7235, or via email at nwro_public_request@ecy.wa.gov.

The Site is defined by the extent of contamination associated with the following releases:

- TPH-GRO (gasoline-range petroleum hydrocarbons), and Benzene into the Soil.
- TPH- GRO (gasoline-range petroleum hydrocarbons), Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX), and lead into the Ground Water.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site, Ecology has determined:**

- It is not clear that all of the impacted area that comprises the Site, both on- and off-Property, have been characterized.
- The cleanup action selected must meet the minimum requirements in WAC 173-340-360(2). The proposed remedy described in the Post Remediation Soil Assessment Report, presents the conclusion that the shallow perched ground water zone is not potable, and that further soil mitigation is not necessary. This conclusion is based on a 1992 pumping test which assessed groundwater conditions at the Site over 20 years and had some documented issues with unexplained shutdown. In addition, the report does not address the ground water contamination which has migrated off-Site.

- The report needs to more comprehensively explain the shallow ground water non-potability determination, and how to achieve and maintain Site cleanup standards. Exposure parameters were not determined and presented, with the appropriate calculations. Clearly present the MTCA Method (A or B) cleanup levels selected for TPH- GRO (gasoline-range petroleum hydrocarbons), benzene, toluene, ethylbenzene, and xylenes (BTEX), and lead-affected soil.
- Note that MTCA Method A soil cleanup levels for unrestricted uses are appropriate (Table 740-1) with the standard point of compliance throughout the Site to a depth of 15 feet below the ground surface (reference WAC 173-340-740(6)(d)).
- Soil cleanup levels protective of terrestrial ecological receptors are not necessary because the Site meets the Terrestrial Ecological Evaluation (TEE) exclusion criteria [WAC 173-340-7491(1){(a), (b) and (c)}]. The land use at the Property and surrounding area makes substantial wildlife exposure unlikely. Also, there are less than 1.5 acres of contiguous undeveloped land within 500 feet of any area of the Site.
- Note that MTCA Method A cleanup levels for ground water (Table 720-1) at the standard point of compliance, throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest depth which could potentially be affected, are appropriate.
- Additional site maps, the updated data, boring logs, cross-sections, and figures showing groundwater elevation contours and indicating flow direction would aid in describing the Site conditions, and enable a better critique of the proposed remedy for Ecology's formal determination.
- Additional figures should be provided which:
 - Present all soil sample and ground water sample data exceedances in an enlarged or bold text.
 - Clearly depict the soil excavation boundaries, results and locations of confirmation samples.
 - Present the ground water elevation contours to demonstrate the gradient.
- Electronic submittal of all sampling data into Ecology's Electronic Environmental Information Management (EIM) database is a requirement in order to receive a final Ecology opinion for this Site. Jenna Durkee (email jedu461@ecy.wa.gov, or via telephone at (509) 454-7865) is Ecology's contact and resource on entering data into EIM.

This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate

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documentation to Ecology and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please also note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please feel free to contact me at (425) 649-4422, or email me at glynis.carrosino@ecy.wa.gov.

Sincerely,



Glynis A. Carrosino

Project Manager

Toxics Cleanup Program

By Certified Mail [7011 0470 0003 3682 7319]

cc: Kyle Sattler, Cardno ATC
Sonia Fernandez, VCP Coordinator, Ecology