



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 24, 2011

Thomas Morin  
Environmental Partners, Inc.  
295 NE Gilman Blvd #201  
Issaquah, WA 98027

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

- **Site Name:** Brown Bear Car Wash 2422
- **Site Address:** 621 & 641 Rainier Ave. South, Renton, WA
- **Facility/Site No.:** 27778869
- **VCP Project No.:** NW2327

Dear Mr. Morin:

Thank you for submitting documents regarding your proposed remedial action for the Brown Bear Car Wash 2422 facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding a review of submitted documents/reports pursuant to requirements of 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:

- Gasoline-range total petroleum hydrocarbons (TPH-G) and associated compounds of benzene, toluene, ethylbenzene, and xylenes (BTEX) into the soil and groundwater.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



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This opinion is based on the information contained in the documents listed in **Enclosure B**. 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.

The Site is defined by the extent of contamination caused by the following release(s):

- TPH-G and BTEX into the soil and groundwater.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

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 that:**

- The Interim Action Report is acceptable. Upon completion of the proposed interim action, no further remedial action will likely be necessary to clean up contamination located on the northeastern portion of the Arby's Property. However, if confirmation sampling results indicate that residual contamination still remains, including beneath the Right-of-Way of Rainier Avenue south and/or the Arby's building, additional remedial actions may be required by Ecology.
- TPH-G and benzene were detected in SW-1 above the MTCA Method A cleanup levels in the groundwater sampling event in March 2007, and no analysis has been conducted since then. Therefore, additional groundwater sampling is needed to demonstrate that groundwater is not impacted in the vicinity of SW-1.
- Only TPH-G, diesel-range total petroleum hydrocarbons (TPH-D), BTEX and lead were analyzed in the previous site investigations. In accordance with MTCA requirements, additional compounds should be tested during the interim action. These compounds are listed in MTCA Table 830-1.

**This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup.** To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request 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.**

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Please 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 contact me at (425) 649-4310.

Sincerely,



Jing Liu  
NWRO Toxics Cleanup Program

jl/kh

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