



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 8, 2010

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

Re: Further Action at the following Site:

- **Site Name:** Arco Station 5567
- **Site Address:** 401 Ellingson Road, Pacific, WA
- **Facility/Site No.:** 26779691
- **VCP Project No.:** NW2337

Dear Mr. Zorn:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Arco Station 5567 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.



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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. Application to the Voluntary Cleanup Program & Request for No Further Action, ARCO Facility No. 05567, 401 Ellingson Road, Pacific, WA 98047. Prepared by ARCADIS-US, Inc. and dated September 2, 2010.
2. Semi-annual Groundwater Monitoring Report, First Half 2010, Former ARCO Facility #5567, 401 Ellingson Road, Pacific, WA 98047. Prepared by ARCADIS-US, Inc. and dated June 29, 2010.
3. Soil Sampling, ARCO Facility 5567, 401 Ellingson Road, Pacific, Washington. Prepared by KHM Environmental Management, Inc., dated September 5, 2000.
4. Site Summary for Closure, ARCO Facility 5567, 401 Ellingson Road, Pacific, Washington. Prepared by KHM Environmental Management, Inc., dated October 5, 1999.
5. Environmental Assessment Underground Storage Tank Upgrade, ARCO Service Station 5567, 401 Ellingson Road, Pacific, Washington. Prepared by Pacific Environmental Group Inc., dated April 17, 1996.
6. Remedial System Installation and Start-Up, ARCO Service Station 5567, 401 Ellingson Road, Pacific, Washington. Prepared by Pacific Environmental Group Inc., dated March 8, 1994.
7. Environmental Investigation, ARCO Service Station 5567, 401 Ellingson Road, Pacific, Washington. Prepared by Pacific Environmental Group Inc., dated May 6, 1992.
8. Re: Arco Service Station No. 5567, 401 Ellingson Road at South Seattle Blvd., Pacific, Washington. Prepared by Pacific Environmental Group Inc., dated March 29, 1990.
9. Preliminary Hydrocarbon Evaluation, Existing AM/PM Mini-Market, South Seattle Boulevard and Ellingson Avenue, King County, Washington. Prepared by Earth Consultants Inc., dated September 6, 1988.

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**.

Additional sampling is needed to demonstrate whether residual contamination still exists in the vicinity of the pump island.

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).

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.

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Sincerely,

A handwritten signature in black ink, appearing to be 'JL' followed by a stylized flourish.

Jing Liu
NWRO Toxics Cleanup Program

jl/kp

Enclosure A – Description and Diagrams of the Site

cc: Donna Musa, Ecology Interim VCP Administrator