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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 6, 2011

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

**COMPLETED**  
BIS 6/7/11

**Re: Further Action at the following Site:**

- **Site Name:** Arco Station 6217
- **Site Address:** 12903 Northeast 20<sup>th</sup> 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**

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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.**

In July 2010, Ecology issued a Further Action letter for the Site. In the letter, Ecology required additional sampling to verify compliance with MTCA cleanup requirements in the vicinity of former UST excavation. A subsurface investigation was conducted in August 2010 in response to Ecology's opinion letter. Analytical results indicated that residual contamination still remains in the vicinity of the western portion of the former UST excavation pit. Active remedial actions other than natural attenuation are needed to address this residual contamination. Confirmation sampling is also necessary to demonstrate compliance with MTCA requirements.

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**

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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 ground water.

**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**

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This opinion is based on the information contained in the following documents:

1. 2011 Subsurface Investigation Report and Request for Closure, Former ARCO Facility No. 6217, 12903 NE 20<sup>th</sup> Street, Bellevue, Washington. Prepared by ARCADIS dated March 15, 2011.
2. Opinion letter from Ecology dated July 1, 2010, Further Action at the following Site: Arco Station 6217.

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**

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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 sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

**2. Establishment of cleanup standards.**

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

**i. Cleanup levels.**

Soil:

The Site is located in a commercial area. Soil cleanup levels suitable for unrestricted land uses are therefore applicable to this Site.

Soil cleanup levels protective of terrestrial species are also potentially applicable. However, they were deemed not-applicable for this Site based on the exclusion relating to proximity of undeveloped land in accordance with WAC 173-34-7491(1)(c)(i).

Because the cleanup at this Site was relatively straight forward and involved few hazardous substances, the MTCA Method A cleanup levels for unrestricted land uses were deemed applicable and appropriate. Note that the Method A cleanup levels were established based on protection of ground water and direct contact.

Ground Water:

Cleanup levels were set for ground water based on its use as a potential drinking water source. The MTCA Method A cleanup levels have been applied to the identified contaminants listed above.

**b. Points of compliance.**

Soil:

The point of compliance for soil is throughout the Site in order to protect against direct contact and ground water.

Ground Water:

The standard point of compliance for ground water is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA.

Remedial actions have been conducted at the Site over the years (see Section 4 below). Despite these actions, residual contamination remains possibly in the vicinity of the western portion of the former UST excavation pit, which needs to be remediated accordingly.

**4. Cleanup.**

Ecology has determined the cleanup you performed does not meet the cleanup standards established for the Site. Further action is needed to address the residual contamination.

Remedial actions completed to date included:

- USTs removal and station upgrade activities were performed at the Property between November 1992 and January 1993. Excavation was conducted in the former UST area, pump islands and product line trenches. Excavation was also conducted for preparation of a new UST complex, which was combined with the excavation of a 250-gallon heating oil UST. Three USTs were removed from the eastern portion of the Property, including one 8,000-gallon gasoline UST, and two 10,000-gallon gasoline USTs. Three pump islands were removed from the central portion of the Property together with associated product lines. An undocumented 250-gallon heating oil UST was also removed. Excavated soils with field evidence of hydrocarbons were put back into the USTs excavation area and were later treated using a soil and vapor extraction system (SVE). Soil confirmation sampling results indicated residual contamination remained under the former UST complex and in the vicinity of the former pump islands and product lines.
- A SVE system was installed in 1993 in the vicinity of the former tank basin to address the residual contamination. No document is available on the installation of the SVE system. The SVE was operated on and off from July 1993 to October 1995.
- The facility was upgraded in 2004. The production distribution lines and dispenser island were removed and replaced. Approximately 179 tons of soil were excavated and disposed of at the TPS Lakewood disposal facility. All soil confirmation samples showed compliance except one sample (PL-4-5) with benzene concentration of 0.0583 mg/kg. All the other constituents were either non-detect or below the cleanup levels. Over-excavation was conducted in the vicinity of PL-4-5. A confirmation sample collected at the bottom of over-excavation showed compliance with cleanup

levels. However, it should be noted that sidewall samples from the excavated area were not collected due to a canopy footing and electrical conduits bordering the east, south and west sides of the over-excavation.

### **Limitations of the Opinion**

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**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**

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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](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion or the

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termination of the Agreement, please contact me by phone at (425) 649-4310 or e-mail at [jliu461@ecy.wa.gov](mailto:jliu461@ecy.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Jing Liu', with a stylized flourish extending to the right.

Jing Liu  
NWRO Toxics Cleanup Program

Enclosure A – Description and Diagrams of the Site

cc: Donna Musa, Interim Ecology VCP Administrator