



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 29, 2009

Ms. Renee West
Verbeek Wrecking
18416 Bothell Everett Hwy
Bothell, WA 98012.

Dear Ms. West:

Re: Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: Verbeek Wrecking
- Address: 18416 Bothell Everett Hwy, Bothell, WA 98012
- Facility/Site No.: 51544175
- VCP No.: NW 1982

Thank you for submitting your independent remedial action report for the Verbeek Wrecking facility (Site) for review by the State of Washington 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 whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. 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.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. 10/7/08, *Verbeek Site, A Report on Work to Date, Remediation Services, Supplementary Analytical Data*, GreenCo Environmental
2. August 29, 2008, *Re: Verbeek Wrecking MTCA Notice*, letter from Steve Parkinson of Groff Murphy, PLLC
3. 8/08, *Work Plan – Area B Verbeek, 18416 Bothell-Everett Highway*, author unknown
4. Various dates, Ecology and Snohomish County field investigation records

The documents listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact, Sally Perkins, at 425 649-9190.

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

- Gasoline- and Oil-Range Petroleum Hydrocarbons in Soil, Surface Water

The Site is not clearly defined at this point, but appears to be within the Verbeek Wrecking property located at 18416 Bothell-Everett Highway, Bothell. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) performed at the Site are not sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing any of the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at the Site under MTCA as follows:

The Verbeek Wrecking property has a 40+ year history of potential and documented leaks and spills to the environment associated with automobile wrecking and truck repair operations. Both soil and surface water have been contaminated with various petroleum hydrocarbons, and other metals and organic compounds are suspected of being present. Contaminated fill is also reportedly present at the property imported from Gas Works Park. With ground water beneath the property expected to be shallow, there is a potential for ground water to have been impacted.

MTCA requires that the nature and extent of contamination at a site be sufficiently characterized so that an appropriate cleanup action can be selected and implemented.

MTCA uses the term "Remedial Investigation" for the characterization process and for the report presenting the characterization data and conclusions. No Remedial Investigation report, or any similar report, has been submitted to Ecology for this Site. Some characterization data has been presented in the GreenCo Environmental report, but only incidentally as part of confirmatory sampling conducted during a 2008 interim action. At this point, Ecology is not aware of any comprehensive study of the Site to determine the nature and extent of contamination or the threat to human health and the environment, although a Phase II study has reportedly been completed. This Phase II report, or a separately prepared report, will ultimately need to meet the remedial investigation requirements under MTCA (WAC 173-340-350).

MTCA also outlines the process for determining cleanup levels for contaminants of concern and outlines an engineering process for developing a cleanup action. MTCA uses the term "Feasibility Study" (FS) for the engineering evaluations. No FS, or any similar report, has been submitted for this Site, nor has documentation been provided identifying cleanup levels, except incidentally as part of the GreenCo Environmental report. Selection of cleanup levels and preparation of a FS will need to be completed per MTCA (WAC 173-340-350), once characterization studies have been completed.

After a cleanup action has been selected, a cleanup action plan (CAP) and other engineering plans are then prepared (WAC 173-340-380, 400). The August 2008 report referenced above appears to be a cleanup plan for an undefined area of soil called "Area B". The plan calls for digging out contaminated soil, followed by "bio-remediation", followed by replacement of the soil into the excavation. The plan does not specify where this excavation will occur, nor what is meant by "bio-remediation". Any plan that involves treating soil on-site must be thoroughly engineered before starting because of the potential for mixing "clean" soil with contaminated soil during the excavation process, thus diluting the contaminated soil. A more comprehensive CAP that meets the requirements of MTCA will be needed, as a minimum, for this site. Other engineering documents may also be needed depending on the cleanup chosen.

Finally, a cleanup action report is prepared to document the implemented action. The October 7, 2008 document by GreenCo is such a report, and describes a remedial action which did occur at the site in 2008 for areas identified as A, B, C, and D. It is not clear exactly where these areas are located. It is also not clear which soil samples were collected for final in-place confirmation purposes and which for final stockpile confirmation purposes. The hand-drawn sketch maps of sample locations are also not clear in terms of purpose, depth, and source. It is also not clear what exactly was done to promote remediation, and why the process was apparently equally effective for all types of contamination. This report needs to be resubmitted in a form that more clearly describes and presents the results of the remedial action.

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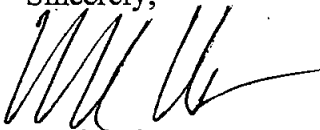
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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 performed at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7107.

Sincerely,



Mark Adams
NWRO Toxics Cleanup Program

ma/kp

cc: Russ Olsen, VCP Manager
Delores Mitchell, VCP Financial Manager