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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 21, 2024

Dave Becher
Washington State Department of Transportation (WSDOT)
999 3rd Ave, Suite 2200
Seattle, WA 98104
(BecherD@wsdot.wa.gov)

Re: No Further Action opinion for the following Property associated with a contaminated Site

- **Site Name:** Montlake Texaco
- **Site Address:** 2625 E Montlake Pl E, Seattle WA 98112
- **Facility/Site No.:** 47724816
- **Cleanup Site ID No.:** 14857
- **VCP Project No.:** NW3242

Dear Dave Becher:

The Washington State Department of Ecology (Ecology) received your request for an opinion regarding the sufficiency of the Property cleanup associated with the Montlake Texaco facility (Site) under the Voluntary Cleanup Program (VCP).¹ This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), [Chapter 70A.305 RCW](#).²

Opinion

Ecology has determined that no further remedial action is necessary at the Property to clean up contamination associated with the Site. However, further remedial action remains necessary elsewhere at the Site to clean up contamination.

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in Chapter 70A.305 RCW and [Chapter 173-340 WAC](#)³ (collectively called “MTCA”).

Property Description

This opinion applies only to the Property described in this section, which was affected by releases at the Site and addressed by your cleanup.

Enclosure A includes a legal description of the Property. Enclosure B includes a diagram that shows where the Property is located within the Site. Please note that the Property no longer is associated with a King County tax parcel, because the Property was purchased by WSDOT for public highway right-of-way.

Site Description

This opinion applies only to the Site described in this section. The Site is defined by the nature and extent of contamination associated with the following releases:

- Total petroleum hydrocarbons (TPH) in the gasoline, diesel, and oil ranges (TPH-G, TPH-D, and TPH-O); benzene, toluene, ethylbenzene, and xylenes (BTEX); and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) into the Soil.
- TPH-G, TPH-D, TPH-O, BTEX, cPAHs, and arsenic into the Groundwater.

Enclosure B includes the Site description, history, and diagrams.

Please note that releases from multiple sites can affect a parcel of real property. At this time, Ecology has no information that other sites affect the Property.

Basis for the Opinion

Ecology bases this opinion on information in the documents listed in Enclosure C. You can request these documents by filing a [records request](#).⁴ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040. Before making a request, check if the documents are available on the [Site webpage](#)⁵

This opinion is void if information in any of the listed documents is materially false or misleading.

³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

⁴ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/site/14857>

Analysis of the Cleanup

Ecology has concluded that no further remedial action is necessary at the Property to clean up contamination associated with the Site. However, Ecology has also concluded that further remedial action is still necessary to clean up contamination elsewhere at the Site. Ecology bases its conclusions on the following analysis:

Characterizing the Site

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards for the Site and selecting a cleanup action for the Property. The definition of the lateral and vertical extent of Site impacts to soil and groundwater was completed in accordance with MTCA by completion of Site investigations conducted from 2016 through 2023.

Setting cleanup standards for the Site

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

Cleanup Levels

Soil

The Site is located in an area that qualified for a simplified Terrestrial Ecological Evaluation (TEE) and did not require additional evaluation, in accordance with [WAC 173-340-7492\(2\)\(a\)](https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-7492)⁶. Therefore, soil cleanup levels protective of terrestrial species are not necessary for this Site.

MTCA Method A soil cleanup levels for unrestricted land uses are based on protection of groundwater and are the default cleanup levels.

Groundwater

The highest beneficial use for groundwater under MTCA is considered to be as a drinking water source, unless it can be demonstrated that the groundwater is not potable. MTCA Method A groundwater cleanup levels are protective of potable use and are therefore the default.

Air

Air cleanup levels are considered necessary to protect against vapor intrusion (VI) into existing buildings. Method B VI screening levels for groundwater are appropriate to assess the VI and air pathways.

⁶ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340-7492>

Points of Compliance

Soil

The point of compliance for soil at the Site for protection of groundwater is soils throughout the Site.

Groundwater

The point of compliance for groundwater is throughout the Site, from the uppermost level of the saturated zone extending vertically and horizontally to the lowest depth that could potentially be affected.

Air

The point of compliance for air is ambient air throughout the Site.

Selecting the cleanup action for the Property

Ecology has determined the cleanup action you selected for the Property meets the substantive requirements of MTCA. The cleanup action consisted of the following:

- Treatment of petroleum-contaminated groundwater in selected monitoring wells;
- Removal of three fuel underground storage tanks (USTs) and one waste-oil UST;
- Excavation and off-Site disposal of petroleum-contaminated soil;
- Collection and off-Site disposal of groundwater from excavation dewatering;
- Incorporation of oxygen-release compound (ORC) in excavation backfill; and
- Collection of soil and groundwater confirmation samples to document compliance with cleanup levels on the Property.

Implementing the cleanup action

Ecology has determined your cleanup of the Property meets the standards set for the Site. The cleanup action consisted for the following activities:

- Placement of ORC “socks” in two Site monitoring wells prior to initiation of the remedial excavation work;
- Decommissioning of monitoring wells located within the planned UST excavation area;
- Removal of four USTs: two 10,000-gallon unleaded gasoline UST, one 5,000-gallon unleaded gasoline UST, and one 300-gallon waste-oil UST;
- Excavation of 19,154 tons of petroleum-contaminated soil and disposal at an off-Site permitted facility;
- Collection of 10,000 gallons of potentially contaminated dewatering discharge and disposal at an off-Site permitted facility;

- Placement of 1,500 pounds of ORC in the excavation backfill;
- Collection of confirmation soil samples from the excavation sidewalls and bottom,
- Installation of new monitoring wells at locations to assess compliance with groundwater cleanup levels; and
- Collection of quarterly groundwater monitoring data to confirm compliance with cleanup levels on the Property.

Listing of the Site

Based on this opinion, Ecology will update the Site status on its contaminated site database. However, because further remedial action is still necessary elsewhere at the Site, Ecology will not remove the Site from its lists of contaminated sites. Furthermore, the Property will remain listed as part of the Site because the Property cleanup does not change Site boundaries.

Limitations of the Opinion

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:

- Change the boundaries of the Site.
- 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 70A.305.040\(4\)](#).⁷

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 if the action you performed is substantially equivalent. Courts make that determination. See [RCW 70A.305.080](#)⁸ and [WAC 173-340-545](#).⁹

⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

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 70A.305.170\(6\)](#).¹⁰

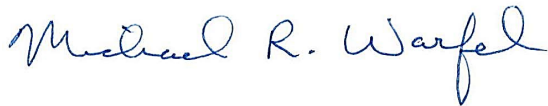
Continuation of Agreement

Thank you for cleaning up the Property under the VCP and your continued interest in cleaning up the site under the VCP Agreement governing VCP Project No. NW3242. You can request additional services as your cleanup progresses. We look forward to working with you.

Questions

If you have any questions about this opinion, please contact me at 425-324-1892 or michael.warfel@ecy.wa.gov.

Sincerely,



Michael R. Warfel
VCP Site Manager
Toxics Cleanup Program, NWRO

Enclosures (3): A – Property Legal Description
 B – Site Description, History, and Diagrams
 C – Basis for the Opinion: List of Documents

cc: Margaret Kucharski, WSDOT (KucharM@wsdot.wa.gov)
 Meg Strong, Shannon & Wilson, Inc. (mjs@shanwil.com)
 Katherine Chesick, SDOT (Katherine.Chesick@seattle.gov)
 Sonia Fernández, VCP Coordinator (sonia.fernandez@ecy.wa.gov)
 VCP Fiscal (ecyrevcp@ecy.wa.gov)

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Enclosure A

Property Legal Description

That portion of Canal Reserve, Union City, according to the plat thereof recorded in Volume 1 of Plats, page 39, in King County, Washington, described as follows:

Beginning at the intersection of the Southeasterly line of West Montlake Place as established by Ordinance No. 18517 of the City of Seattle, with the Northerly line of Roanoke Street; thence South $77^{\circ}49'09''$ East Along said Northerly line 94.86 feet; thence East along Northerly line 135.82 feet to the West line of 22nd Ave. North; thence North along said West line 129.63 feet to the Southwesterly line of East Montlake Place; thence North $44^{\circ}14'09''$ West along said Southwesterly line 55.98 feet to a point of curvature; thence on a curve to the left with a radius of 50 feet a distance of 85.49 feet to a point of tangency on the Southeasterly line of West Montlake Place; thence South $37^{\circ}47'51''$ West along said Southeasterly line 185.08 feet to beginning.

The lands herein condemned contain an area of 29,048 square feet, more or less, the specific details concerning all of which are to be found on sheet 10 of that certain plan entitled SR 520, SR 5 Interchange Vicinity to Montlake Interchange Vicinity, now of record and on file in the office of the Secretary of Transportation at Olympia, approved and adopted March 2, 2017, revised March 3, 2017.

Enclosure B

Site Description, History, and Diagrams

Site Description

This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinions expressed in the body of the letter.

Site: The Site as characterized to date is defined by TPH-G, TPH-D, TPH-O, BTEX, and cPAHs releases to soil and TPH-G, TPH-D, TPH-O, BTEX, and arsenic releases to groundwater. The Property on which the Site release occurred is located on former King County tax parcel numbers 8805901070, 8805901085, and 8805901090, with a total area of 0.65 acres. The street addresses associated with these parcels were 2010 Roanoke Street, 2625 East Montlake Place East, and 2601 22nd Avenue East, respectively.

Area and Property Description: The Site is located in the City of Seattle, Washington, in King County (**Figure 1**), and is bounded by the SR 520 eastbound off-ramp, East Montlake Place East, 22nd Avenue East, and East Roanoke Street (**Figure 2**). A gasoline service station and the Montlake Boulevard Market formerly operated on the Property. The surrounding area is occupied by residential and limited commercial development.

Site History and Current Use: Earliest available records indicate that the Property was initially developed as early as 1926 and might have included gasoline service station activities at that time. King County Assessor records show the construction date of the Montlake Boulevard Market building and the service station building as 1937 and 1952, respectively. The service station building was remodeled in approximately 1980 to incorporate bays for auto servicing and repair.

WSDOT acquired the Property in June 2019. Business activities in these two structures ceased at the end of 2019 and the structures were demolished in early 2020. The WSDOT contractor for the SR 520 Montlake Project is currently using the Property for construction equipment staging.

Sources of Contamination: Four underground storage tank (UST) system were formerly located at the Site:

- Two 10,000-gallon leaded gasoline USTs,
- 5,000-gallon unleaded gasoline UST, and
- 300-gallon waste oil UST.

The UST locations are shown on **Figure 2**.

Physiographic Setting: The Site is located in the Puget Sound Basin, which is bounded on the east by the Olympic Mountains and the west by the Cascade Mountains. The Site is situated at an elevation of approximately 60 feet above mean sea level (amsl) on a relatively flat area, at the northern terminus Capitol Hill, which reaches elevations exceeding 400 feet amsl to the south. Land slopes from the Site to the west, north, and east towards Portage Bay, State Route 520, and Union Bay, respectively.

Surface/Storm Water System: The Site is located approximately 800 feet, 1,200 feet, and 1,400 feet from Portage Bay, the Ship Canal, and Union Bay, respectively (see **Figure 1**). Stormwater runoff is routed to catch basins on the Property and adjacent City streets.

Ecological Setting: The Site is located in a developed area and is surrounded by roadways, commercial properties, and residences. The land surface of the Site and surrounding area is covered by compacted crushed aggregate and paving, respectively, with interspersed landscaping and open spaces. The Site qualified for a simplified Terrestrial Ecological Evaluation (TEE) per Ecology requirements, which concluded that no further evaluation was necessary.

Geology: Borings drilled on the Site encountered the following geologic strata (Figure 3):

- Sandy silt to silty sand (including pavement base course, fill, and native materials), approximately 18 feet thick;
- Sand to silty sand with gravel, discontinuous, encountered from 20 to 25 below ground surface (bgs); and
- Very dense silty sand to sandy silt (glacial till). The glacial till surface elevation is variable beneath the Site and forms a trough that extends southeast to northwest, varying in elevation from 45 feet to 31 feet amsl. The till extends to at least 60 feet bgs, the maximum depth explored.

Groundwater: Groundwater was encountered in monitoring wells drilled at the Site at depths of 8 to 17 feet bgs, on top of the glacial till. A piezometric surface map prepared using March 2020 data indicates groundwater flow to the northeast, north, and northwest (**Figure 4**).

Groundwater flow appears to be influenced by the sloping surface of the glacial till and by the permeable backfill surrounding a 90-inch-diameter combined sewer line that crosses the Site. Quarterly groundwater levels measured in one monitoring well over a 21-month period showed seasonal variations up to 12 feet.

Release and Extent of Contamination: Investigations completed at the Site have identified the following likely sources of petroleum contamination of soil and groundwater:

- Leaks from gasoline UST systems (tanks and piping),
- Spills from gasoline dispensing systems on pavement and seepage through pavement cracks, and
- Spills into stormwater catch basins and subsequent leakage from conveyance system piping.

A review of laboratory chromatograms of petroleum contaminated samples indicated that multiple releases likely occurred from these sources over time. This conclusion is based on the weathering patterns of petroleum constituents observed in the chromatograms.

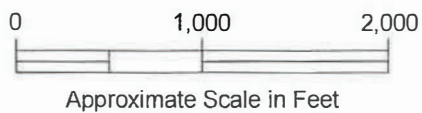
Contamination in soil and groundwater was observed in the area within and surrounding the pump islands, and extended into the adjacent E Montlake Place E and SR 520 rights-of-way. Contamination in groundwater also extended to the north and northwest, within the backfill of the combined sewer line.

Completed Cleanup Action: The following cleanup activities were completed at the Site between June 2021 and November 2023:

- Three gasoline USTs (including associated piping and fuel dispensers), one waste oil UST, and one hydraulic hoist were removed. The hydraulic hoist was located in the former Northwest Automotive garage (**Figure 2**).
- An UST Site Assessment was completed by a certified UST Site Assessor.
- ORC “socks” were placed in monitoring wells RW-1-19 and MW-3-19 prior to initiation of the remedial investigation, to treat contaminated groundwater.
- Three monitoring wells (RW-1-19, MW-1-19, and MW-4-19) and two soil gas probes (SG-1-19 and SG-2-19), located within the planned soil excavation area, were decommissioned in accordance with WAC 173-160. Monitoring well MW-5-20 was decommissioned due to its location within the SR-520 roadway relocation alignment.
- Approximately 19,154 tons of contaminated soil, 257 tons of uncontaminated soil, and 10,000 gallons of contaminated wastewater (groundwater plus truck-tire decontamination water) were transported off-Site for disposal at permitted facilities.
- Confirmation soil sample results from the excavation are shown on **Figure 6**. A statistical

evaluation of confirmation soil samples documented compliance with Method A soil cleanup levels.

- The clean backfill placed in the excavation was mixed with ORC, to further enhance breakdown of petroleum in groundwater.
- Four new compliance groundwater monitoring wells were installed on the Property in April 2022 at the locations shown on Figure 6. Quarterly sampling of these wells from May 2022 through November 2023 confirmed compliance with Method A groundwater cleanup levels on the Property.



NOTE

Bing Map Image adapted from aerial imagery provided by Autodesk Live Maps and Microsoft Bing Maps reprinted with permission from Microsoft Corporation.

Montlake Gas Station VCP
Remedial Investigation Report
2625 Montlake Place East
Seattle, WA

VICINITY MAP

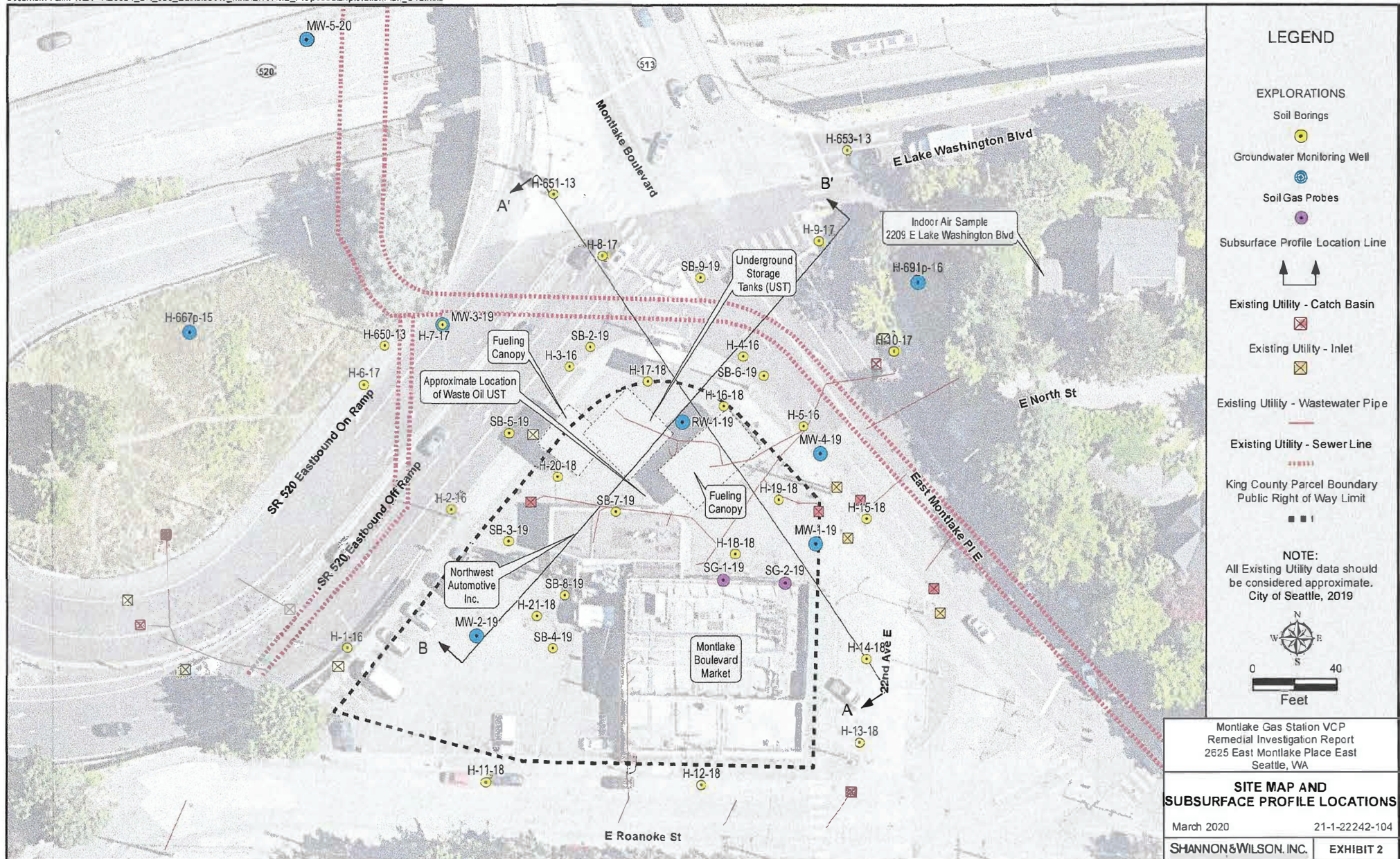
March 2020

21-1-22242-104

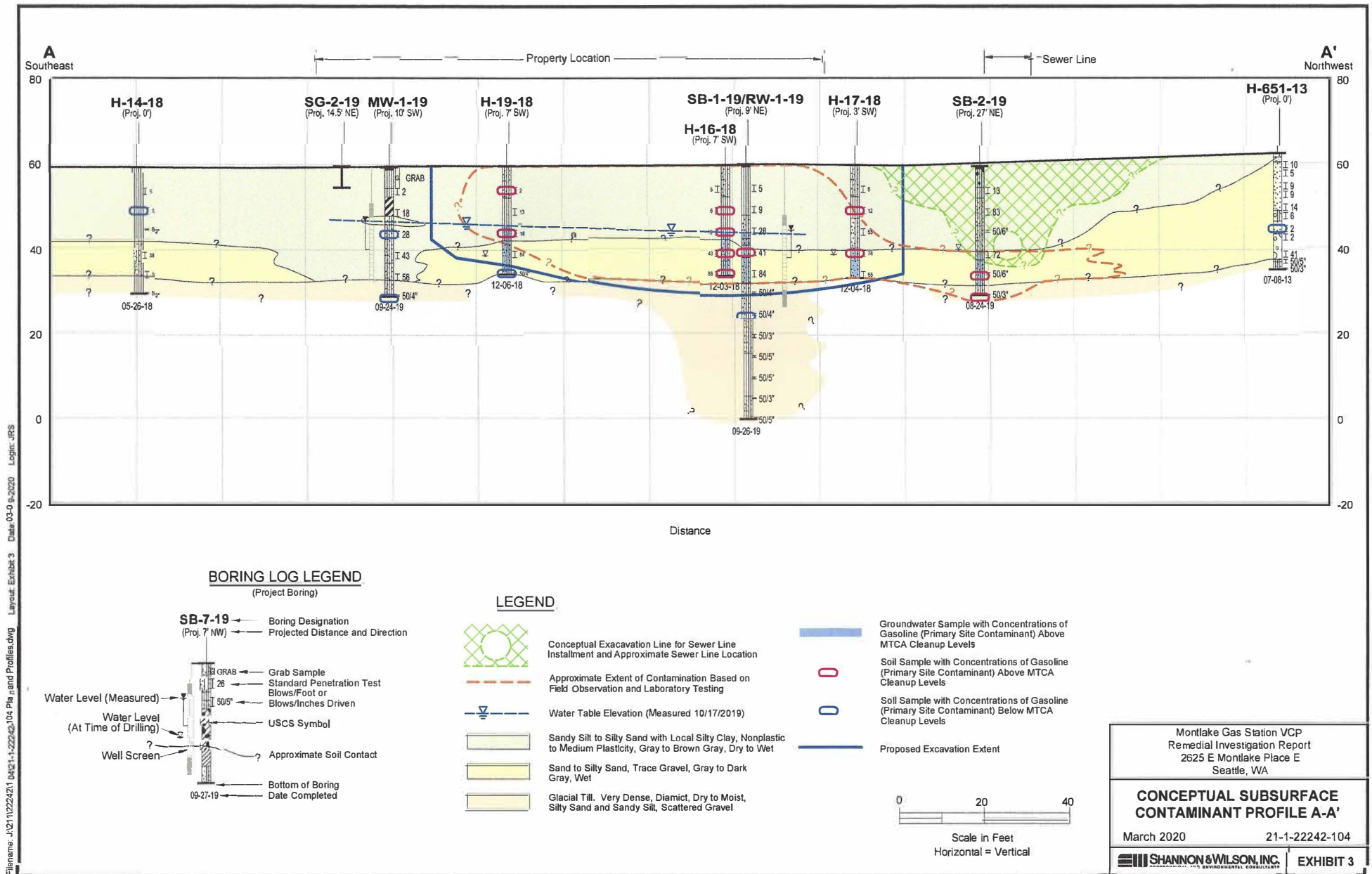
SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

Exhibit 1

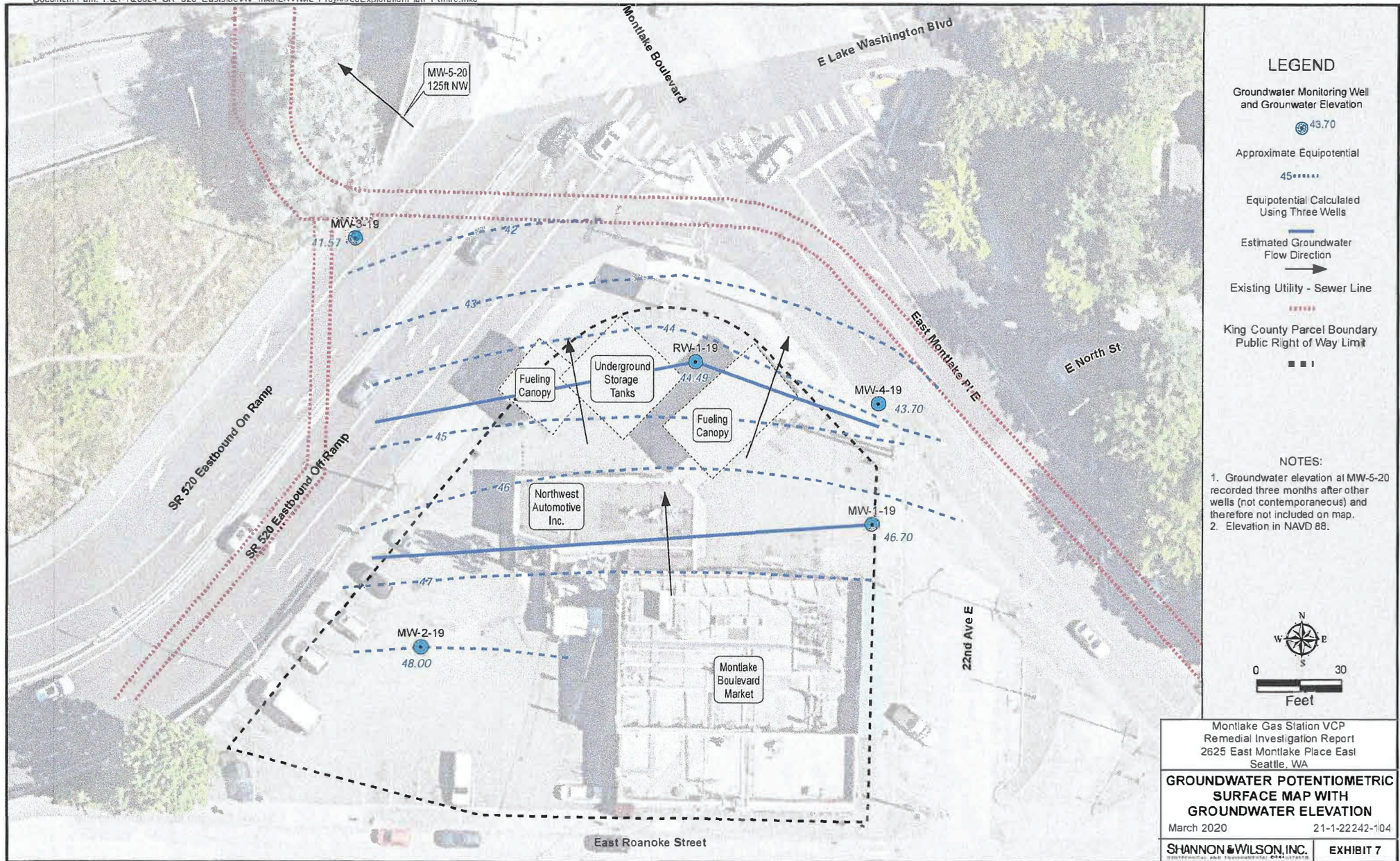
Enclosure B, Figure 1



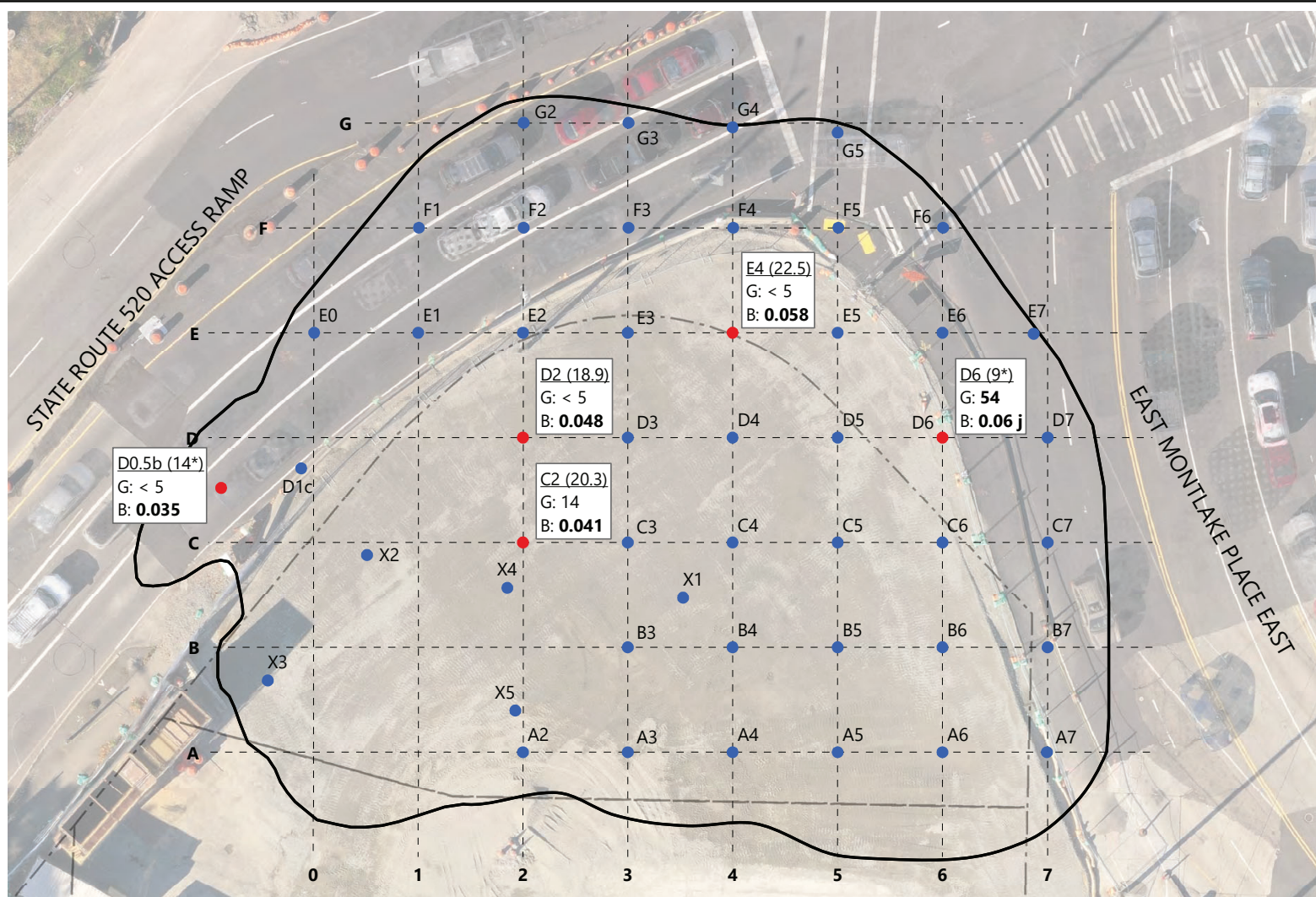
Enclosure B, Figure 2



Enclosure B, Figure 3



Enclosure B, Figure 4

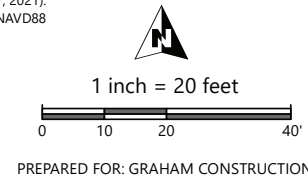


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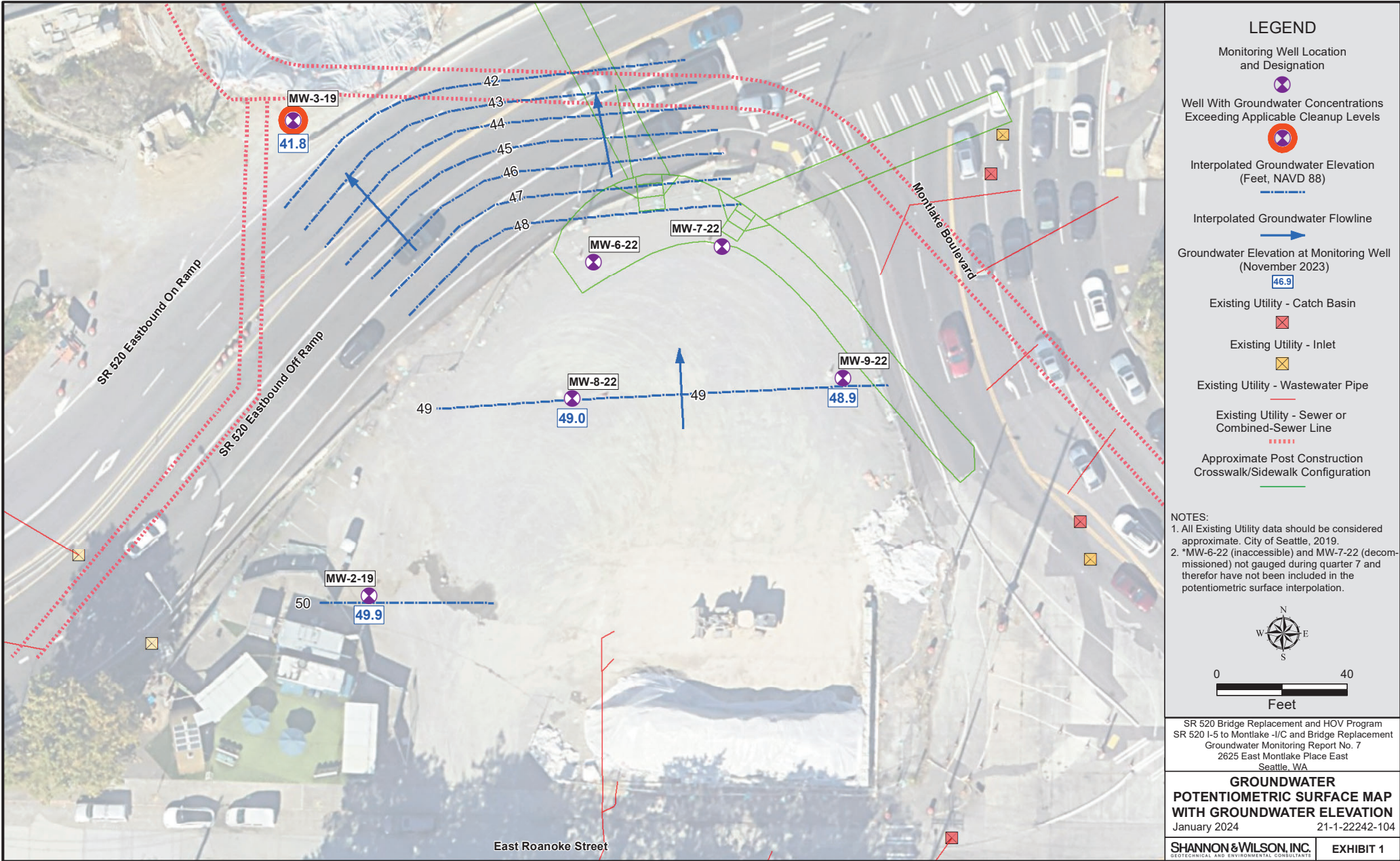


**POST-REMEDIATION CONTAMINANT
CONCENTRATIONS IN SOIL**
MONTLAKE GAS STATION (VCP NW3242)

PROJECT
41221.003
DATE
DEC 2021
FIGURE
9



Enclosure B, Figure 5



Enclosure B, Figure 6

Enclosure C

Basis for the Opinion: List of Documents

1. Washington State Department of Ecology (Ecology). *Technical Assistance Opinion Regarding Monitoring Well Decommissioning, Montlake Texaco, VCP NW3242*. February 8, 2024.
2. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 7, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. January 22, 2024.
3. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 6, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. October 31, 2023.
4. Ecology. *Technical Assistance Opinion Regarding Compliance Groundwater Monitoring, Montlake Texaco, VCP NW3242*. October 18, 2023.
5. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 5, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. June 23, 2023.
6. Ecology. *Technical Assistance Opinion Regarding Monitoring Well MW-7, Montlake Texaco, VCP NW3242*. June 9, 2023.
7. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 4, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. March 30, 2023.
8. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 3, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. January 9, 2023.
9. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 2, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. October 4, 2022.
10. Shannon & Wilson. *Groundwater Monitoring Memorandum Quarter No. 1, Voluntary Cleanup Program NW3242, Montlake Gas Station, Seattle, Washington*. June 27, 2022.
11. Washington State Department of Transportation (WSDOT). *Monitoring Well Installation Information, Montlake Gas Station, VCP NW3242*. May 23, 2022.
12. PBS Engineering and Environmental (PBS). *Remedial Action Completion Report Addendum, Montlake Gas Station, 2625 East Montlake Place East, Seattle, Washington*. May 12, 2022.

13. Ecology. *Opinion on Remedial Action Completion Report, Montlake Texaco, VCP NW3242*. March 22, 2022.
14. Ecology. *Technical Assistance Opinion Regarding Proposed Groundwater Compliance Monitoring Wells, Montlake Texaco, VCP NW3242*. March 21, 2022.
15. PBS. *Remedial Action Completion Report, Montlake Gas Station, 2625 East Montlake Place East, Seattle, Washington*. Prepared for Graham Contracting Ltd., Bellevue, WA. December 20, 2021.
16. Ecology. *Opinion on Remedial Action Plan, Montlake Texaco, VCP NW3242*. May 19, 2021.
17. PBS. *Remedial Action Plan, Montlake Gas Station, State Route 520 Montlake to Lake Washington Interchange and Bridge Replacement Project, Seattle, WA*. Prepared for Graham Contracting Ltd., Bellevue, WA. March 31, 2021.
18. WSDOT. *VCP NW 3242, Response to Ecology Opinion Letter Dated July 6, 2020, Montlake Gas Station Remedial Investigation*. October 27, 2020.
19. Ecology. *Opinion on Remedial Investigation Report, Montlake Texaco, VCP NW3242*. July 6, 2020.
20. Shannon & Wilson. *Remedial Investigation Report for Montlake Gas Station, SR 520 Bridge Replacement and HOV Program, Seattle, Washington*. March 10, 2020.
21. Shannon & Wilson. *Data Gaps Investigation Work Plan/Sampling and Analysis Plan for Montlake Gas Station, SR 520 Bridge Replacement and HOV Program, Seattle, Washington*. Prepared for WSDOT. July 23, 2019.
22. Shannon & Wilson. *2209 East Lake Washington Boulevard Indoor Air Testing*. Letter to Ron Paananen, HDR. March 8, 2019.
23. Hart Crowser. *Phase II Environmental Site Assessment, Montlake Market and Gas Station Properties, 2625 East Montlake Place East and 2605 22nd Avenue East, Seattle, Washington*. Prepared for Montlake LLC and Stelter Montlake LLC. January 30, 2019.
24. Hart Crowser. *Phase II Environmental Site Assessment, Montlake Market and Gas Station Properties, 2625 East Montlake Place East and 2605 22nd Avenue East, Seattle, Washington; Release Reporting Letter to Washington State Department of Ecology*. Prepared for Montlake LLC and Stelter Montlake LLC. January 30, 2019.

25. Ecology. *Early Notice Letter Regarding Release of Hazardous Substances, Montlake Texaco Site, Letter to Scott Baker, Montlake Texaco, 2625 E Montlake Place E, Seattle, WA 98112.* January 28, 2019.
26. Ecology. *Early Notice Letter Regarding Release of Hazardous Substances, Montlake Texaco Site, Letter to Kemper Development Company, 575 Bellevue Square, Bellevue WA 98104.* January 28, 2019.
27. Innovex Environmental Management, Inc. (Innovex). *Third Supplemental Limited Phase II Environmental Site Assessment, 2625 East Montlake Place East, Seattle, Washington.* Prepared for WSDOT. January 16, 2019.
28. Innovex. *Second Supplemental Limited Phase II Environmental Site Assessment, 2625 East Montlake Place East, Seattle, Washington.* Prepared for WSDOT. June 15, 2018.
29. Innovex. *Supplemental Limited Phase II Environmental Site Assessment, 2625 East Montlake Place East, Seattle, Washington.* Prepared for WSDOT. February 21, 2018.
30. Innovex. *Phase II Environmental Site Assessment, State Route 520 Eastbound Off-Ramp to Montlake Vicinity, Seattle, Washington.* Prepared for WSDOT. December 8, 2016.
31. Innovex. *Sampling and Analysis Plan, State Route 520 Eastbound Off-Ramp to Montlake Vicinity, Phase II Environmental Site Assessment, Seattle, Washington.* Prepared for WSDOT. October 5, 2016.
32. WSDOT. *Limited Phase I Environmental Site Assessment, SR 520 Montlake '76 Gasoline and Service Station, Seattle, Washington.* February 16, 2016.
33. AA Enviro Assessment, Inc. *Site Assessment Report, Harts Service Center, 2625 Montlake Place E, Seattle, WA.* October 5, 2000.