



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
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October 8, 2024

Scott Rose, LHG
Director of Technical Services
AEG Atlas, LLC
2633 Parkmont Lane SW, Suite A
Olympia, WA 98502-5751
srose@aegwa.com

Re: Technical Assistance on AEG's Site Investigation Work Plan – Jack's Madrona Autoworks, dated August 23, 2024.

- **Site Name:** Jacks Madrona Autoworks
- **Site Address:** 525 Ronlee Lane NW, Olympia, Thurston County, WA 98502
- **Facility/Site ID:** 10092
- **Cleanup Site ID:** 14542
- **VCP Project ID:** SW1798

Dear Scott Rose, LHG:

The Washington State Department of Ecology (Ecology) received your August 23, 2024 Site Investigation Work Plan (Workplan) for the former Jack's Madrona Autoworks facility (Site) in Olympia, WA. This letter provides our review of the Workplan under the authority of the [Model Toxics Control Act \(MTCA\)](#),¹ [chapter 70A.305](#)² Revised Code of Washington (RCW).

Ecology Response to the Work Plan

Ecology responses are correlative with the respective and relevant Workplan sections and are based on an analysis of whether the remedial action meets the substantive requirements of MTCA, chapter 70A.305 RCW, and its implementing regulations, Washington Administrative Code (WAC) [chapter 173-340](#)³ (collectively "substantive requirements of MTCA").

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

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

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

Ecology's Role in Independent Cleanups in the VCP: Independent cleanups carried out under WAC 173-340-515 are carried out without Ecology oversight or approval.⁴ Ecology's opinions normally provide informal technical assistance on how a cleanup may meet the substantive requirements of MTCA.⁵ Such advice or assistance is advisory only and not binding on Ecology.⁶ Persons conducting independent remedial actions do so at their own risk, and may be required to take additional remedial actions if the department determines such actions are necessary.⁷ In addition, Ecology VCP does not maintain either an arbitration nor dispute resolution process regarding our assistance and in lieu of meetings, and is required to maintain a publicly-accessible written record of all project-related transactions.

Ecology Responses

1.0 Background

Ecology's Initial Investigation (II) report discussed waste oil being released from the cut pipe to the former aboveground storage tank (AST) ultimately flowing to roof drainage clean-outs at the northwest and southwest corners of the on-Site building. From there, the oil was conveyed through connected drainage pipes to an outfall culvert in the drainage ditch east of the building. Ecology confirmed the presence of waste oil on the surface of the clean-outs, in the easterly drainage ditch by the drainage culvert, and potentially to the shoreline sediments of Mud Bay. Ecology understands that no estimate exists as to either the release duration or the volume of waste oil released to soil.

In addition, a figure apparently drawn by Cowlitz Clean Sweep (CCS) personnel and attached to the contaminated soil manifest and analytical results,⁸ shows only one cleanout at the southeast corner of the building and at a distance of 125 feet to the outfall culvert of the drainage ditch.

⁴ WAC 173-340-515 (1).

⁵ WAC 173-340-515(5).

⁶ WAC 173-340-515(5).

⁷ WAC 173-340-515(3).

⁸ CCS, Wastestream Manifest and Drainage Schematics, CCS # 9316030 February 29, 2016.

Ecology Recommendation. As a result, Ecology recommends verifying the roof cleanout and drainage system configuration as it existed at the time of the release. You should also verify if the drainage piping connecting the roof cleanouts to the ditch outfalls were solid concrete or pervious French drain piping surrounded by gravel. This speaks to evaluating the potential of a release pathway to soil and groundwater along the drainage route. The drainage system and components should be accurately illustrated to scale on a schematic in the workplan.

2.0 Site Investigation

Ecology concurs with the general rationale and proposed scope of work with the following additional recommendations.

- a. Given the east-west width of the property being greater than 200 feet and the presence of Snell Crane occupying the adjacent southerly and hydraulically upgradient property, Ecology recommends obtaining a total of three groundwater samples along the upgradient property boundary to assess potential releases to groundwater to the Site. Such data would be especially important south of the on-Site building and parking lot drainage ditch.
- b. Depending on the exact configuration of the roof cleanouts and drainage system, additional borings may be required adjacent to the on-Site building and parking lot to fully assess past releases to soil and groundwater.
- c. Ecology recommends two groundwater samples be collected along the northern Site property boundary behind the northerly on-Site building to assess the potential for migration of the former waste oil contaminants further downgradient both on and off Site.
- d. Ecology concurs with both the soil and groundwater sample collection methodologies and the waste oil analytical suite as described.
- e. Ecology comments on the remaining remedial investigation (RI) will be guided by the results of this initial site investigation. The RI at the Site should be performed in concert with Ecology's RI Checklist at [Remedial Investigation Checklist \(wa.gov\)](#).

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 a consent decree with Ecology under RCW 70A.305.040(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 a party performs is substantially equivalent. Courts make that determination. See RCW 70A.305.080 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 70A.305.170(6).

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 Voluntary Cleanup Program webpage.⁹ If you have any questions about this opinion, please contact me at 360-489-5347 or joe.hunt@ecy.wa.gov.

Sincerely,



Joseph B. Hunt, LHG
Toxics Cleanup Program
Southwest Region Office

JH/at

cc by email: Cyndi Swearingen, Property Owner, cyncynsemail@yahoo.com
Jack Cloutier, Madrona Autoworks, madronaauto@comcast.net
Tim Mullin, Ecology, tim.mullin@ecy.wa.gov
Ecology Site File

⁹ <https://www.ecy.wa.gov/vcp>