



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
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November 7, 2024

Ross Stainsby
Central Puget Sound Regional Transit Authority
401 S Jackson St
Seattle, WA 98104-2826
ross.stainsby@soundtransit.org

Re: No further Action at the following contaminated Sites:

Site Name: Lakeview Auto Wrecking
Site Address: 11528 Pacific Hwy
SW, Tacoma, WA 98499
Facility/Site ID: 8427706
Cleanup Site ID: 3341
VCP Project ID: SW1842

Site Name: Kwang Property
Site Address: 11536 & 11538 Pacific
Hwy SW, Lakewood, WA 98499
Facility/Site ID: 2537377
Cleanup Site ID: 3982
VCP Project ID: SW1843

Dear Ross Stainsby:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Lakeview Auto Wrecking and Kwang Property facilities (each project represents a separate Site). Collectively, these two Sites are adjacent to each other and part of the current Lakewood Transit Center operated by the Central Puget Sound Regional Transit Authority (Sound Transit). This letter provides our opinion. We are providing this opinion under the authority of the [Model Toxics Control Act \(MTCA\)](#),¹ [chapter 70A.305 Revised Code of Washington \(RCW\)](#).²

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

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

Opinion

Ecology has determined that **no further remedial action** is necessary to clean up contamination at the Sites.

Ecology appreciates the interim actions taken at the Sites. Collectively, the facility is comprised of former properties where the Sites are located and is currently used as the Sound Transit Lakewood Transit Center. Facility infrastructure is a bus loading area, passenger waiting zone, and parking garage. Surfaces of both Sites are covered with concrete. The Lakewood Transit Center current address is listed online as 5719 Lakewood Towne Center Blvd SW, Lakewood, Washington 98499.

This opinion is 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](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340)³ (collectively “substantive requirements of MTCA”). The analysis is provided below.

Site Descriptions

This opinion applies only to the Sites described below. The Sites are each defined by the nature and extent of contamination associated with the following releases:

Lakeview Auto Wrecking (VCP SW1842):

- Total petroleum hydrocarbons (TPH) as diesel (TPH-D) and heavy oil (TPH-O) into the soil and potentially groundwater.
- Toluene into the soil and potentially into groundwater.
- Arsenic and lead into the soil and potentially into groundwater.
- Polycyclic aromatic hydrocarbons (PAHs), including cPAHs, into the soil and potentially into groundwater.

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

Kwang Property (VCP SW1843):

- Total petroleum hydrocarbons (TPH) as diesel (TPH-D) and heavy oil (TPH-O) in the soil and potentially into groundwater.
- Toluene into the soil.
- Arsenic, cadmium, and lead into the soil and potentially into groundwater.
- Polycyclic aromatic hydrocarbons (PAHs), including cPAHs, into the soil and potentially into groundwater.
- Benzene and toluene into groundwater.

Ecology provided a detailed Site history in its opinion letter dated March 3, 2006. Additional Site history is provided in Shannon and Wilson's *Remedial Action Report* dated September 19, 2008. Both Sites are located on Pierce County parcel 0219122166 (the Property).

The Property is also located within the projected boundaries of the Tacoma Smelter Plume Pierce County facility (facility Site identification number [FSID] #62855481). At this time, we have no information that this Property is affected. This opinion does not apply to any contamination associated with the Tacoma Smelter Plume Pierce County facility.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure B**.

You can request these documents by filing a [records request](#).⁴ For help making a request, contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or call 360-407-6040. Before making a request, check whether the documents are available on [Ecology's Cleanup Site Search web page](#).⁵

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 no further remedial action is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

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

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

Characterizing the Sites

In 2003, Sound Transit began the process of acquiring several properties for the Lakewood Transit Center, including Lakeview Auto Wrecking and the Kwang Property.

A Phase II Environmental Site Assessment (ESA) completed in May 2003 collected soil samples across both Sites and generally analyzed soil for: TPH as gasoline (TPH-G), TPH-D, TPH-O, benzene, toluene, ethylbenzene, total xylenes (BTEX), volatile organic compounds (VOCs), PAHs, polychlorinated biphenyls (PCBs), and metals (arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver). Sampling results identified limited locations with concentrations of TPH-D, TPH-O, and lead in soil exceeding the MTCA Method A cleanup levels. Cadmium in soil was also identified on the Kwang Property above the MTCA Method A cleanup level at boring KWSB-3. The depth of contaminated soil was generally limited to the upper 1-2 feet below ground surface (bgs) at each Site.

Groundwater samples collected at KWSB-3 and KWSB-4 did not detect any contaminant concentrations at approximately 15-18 feet bgs.

Soil and groundwater sampling was completed in accordance with WAC 173-340-900, Table 830-1 for waste oil. Site hazardous substances requiring further evaluation at the Site were: TPH-D, TPH-O, cadmium, lead, and cPAHs.

Sweeting Property

Included in the Remedial Action Report, was a summary of work done on another property, called the Sweeting Property, also on Pierce County parcel 0219122166. This property is located east of the Sites. The Sweeting Property is now covered by the parking garage for the Lakewood Transit Center.

A total of 19 test pits were completed across the Sweeting Property. Upon sampling stockpile soils, an exceedance of TPH-O in soil was identified at 2,100 milligrams per kilogram (mg/kg), exceeding the MTCA Method A cleanup level of 2,000 mg/kg. Metals detected in stockpiled soils, including barium, cadmium, chromium, and lead, were all detected at concentrations less than the applicable MTCA cleanup levels. The soil stockpile was disposed at LRI landfill. An initial investigation was not completed in 2007 when the contamination was discovered.

Three confirmatory soil samples collected after stockpile removal showed TPH-O and lead at concentrations less than the MTCA Method A cleanup levels. The parking garage covers the majority of the footprint of the Sweeting Property today, including the area of excavation and stockpiling. No further action is needed for this release.

2007 Interim Actions: Excavations

As adjacent Sites, both the Lakeview Auto Wrecking and Kwang Property contaminated soils were removed with concurrent excavations. Both properties now underlie the concrete covered Lakewood Transit Center.

Excavation depths ranged from one to three feet deep. Petroleum contaminated soils were profiled and disposed of at LRI. TPH-D, TPH-O, and cadmium concentrations in soil exceeding the MTCA Method A cleanup level were removed.

An 750-gallon UST thought to have been used for heating oil was found on the Kwang Property. The final excavation extents were 5 feet long by 8 feet wide by 7.5 feet deep. A soil sample from the base of the excavation, S-4, had a combined concentration of TPH-D and TPH-O of approximately 2,650 mg/kg. The location could not be over-excavated because of conflicts with utilities. Sample S-4 was also analyzed by VPH/EPH, with the resultant calculated cleanup level protective of leaching at a value of 10,224 mg/kg.

Groundwater Evaluation

Ecology considers Site groundwater to be potable unless a successful non-potability demonstration consistent under WAC 173-340-720(2) is made. Based on grab groundwater samples collected in May 2003, depth to groundwater is approximately 15-18 feet bgs.

The Site is located within the 10-year wellhead protection zone for the Lakewood Water District's drinking water wells located about 0.75 mile west and 0.8 miles northwest of the Sites. Benzene (0.28 micrograms per liter [$\mu\text{g/L}$]) and toluene (0.45 $\mu\text{g/L}$) were detected at concentrations in groundwater less than the MTCA Method A cleanup levels on the Kwang Property at boring KBSW-3. These concentrations were approximately at the laboratory reporting limit for both benzene and toluene. No other Site contaminants were detected in groundwater sampled, though cleanup levels are applied for groundwater for those Site hazardous substances which exceeded MTCA cleanup levels in soil.

However, the Site does not appear to pose a risk to drinking water supplies and Ecology concurs that no additional evaluation for groundwater is needed at the Site.

We base that conclusion on:

- 1) Limited grab groundwater sample results associated with some of the highest concentrations of petroleum in soil did not show detections and/or exceedances of the MTCA Method A cleanup levels for Site hazardous substances in groundwater.
- 2) Groundwater sampling at the adjacent cleanup to the north, Kendrick Landing (VCP SW1838) did not show groundwater contamination, suggesting no encroaching groundwater plume from the Lakeview Auto Wrecking or Kwang Property Sites.
- 3) The Lakewood Water District's drinking water supply wells are approximately 0.6 miles northeast of the Site, and are screened from approximately 877 to 905.5 feet below top of casing.
- 4) Depth to groundwater for both Sites is about 15-18 feet bgs. Groundwater at either Site is much shallower than the drinking water aquifer used by the Lakewood Water District.

Air Pathway Evaluation

Any residual petroleum contaminated soil is more than 30 feet away from any building, and at depths greater than six feet bgs. Remaining concentrations of petroleum contamination are less than 10,000 mg/kg, the TPH-D or TPH-O concentration in soil which triggers an evaluation of the soil gas/air pathway.⁶ Transit passengers spend limited time at the Lakewood Transit Center.

Following Ecology's *Guidance for Evaluation Vapor Intrusion in Washington State: Investigation and Remedial Action*,⁷ the air/vapor (outdoor air and soil gas) pathway is more likely than not incomplete.

Environmental Justice, Climate Change, and Cultural Resources

Though the Site lies within a census tract that rates a 10 on the WA Department of Health Environmental Health Disparities (EHD) scale, the contaminated soil was removed to less than the MTCA Method A CULs, as shown by statistical analysis. These CULs are protective of human health and the environment. As such, environmental justice has been delivered at the Site, vulnerable populations are protected by the permanent removal interim action, and Healthy-Environment for All (HEAL) Act goals appear to have been met. The future land use will be as

⁶ WAC 173-340-740(3)(b)(iii)(C)

⁷ Ecology publication 09-09-047, March 2022.

<https://apps.ecology.wa.gov/publications/SummaryPages/0909047.html>

the Lakewood Transit Center. Potential climate change impacts (e.g., sea level rise), are unlikely to impact the Site.

No cultural resources were identified during the cleanup work. There are no tribal lands within at least one mile of the Site, which is located in an urban area. It does not appear that a cultural resources consultation was required under WAC 173-340-815, as the cleanup work was completed from 2003-2007, prior to the MTCA rule revision which added that section, effective January 1, 2024.

Terrestrial Ecological Evaluation (TEE)

A separate TEE Form was submitted to Ecology for each of the Lakeview Auto Wrecking and Kwang Property Sites. Both TEEs requested exclusion from further TEE as less than 1.5 acres of undeveloped land is present within 500 feet of the Site. Ecology concurs, and no further TEE is required for either Site.

Environmental Information Management (EIM) Database Uploads

Site data collected since August 1, 2005, were uploaded, accepted, and approved by the VCP site manager for both VCP SW1842 (Lakeview Auto Wrecking) and VCP SW1843 (Kwang Property). Approval was issued by the VCP site manager on October 22, 2024. The requirements under WAC 173-340-840 and Toxics Cleanup Program Policy 840 have been met.

Setting Cleanup Standards

Cleanup Standards: Under MTCA, cleanup standards consist of three primary components; points of compliance,⁸ cleanup levels,⁹ and applicable state and federal laws.¹⁰

Points of Compliance Points of compliance are the specific locations at the Site where cleanup levels must be attained. For clarity, Ecology provides a table of standard points of compliance.

⁸ WAC 173-340-200 "Point of Compliance."

⁹ WAC 173-340-200 "Cleanup level."

¹⁰ WAC 173-340-200 "Applicable state and federal laws," WAC 173-340-700(3)(c)

Media	Points of Compliance
Soil-Direct Contact	Based on human exposure via direct contact, the standard point of compliance is throughout the Site from ground surface to fifteen feet below the ground surface. WAC 173-340-740 (6)(d) <i>Met based on statistical compliance evaluation.</i>
Soil- Protection of Groundwater	Based on the protection of groundwater, the standard point of compliance is throughout the Site. WAC 173-340-747 <i>Met based on statistical compliance evaluation.</i>
Groundwater	Based on the protection of groundwater quality, the standard point of compliance 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. WAC 173-340-720(8)(b) <i>Met based on sampling results.</i>

The ecological, air, groundwater to surface water, and sediment pathways are incomplete at the Site.

Cleanup Levels: Cleanup levels are the concentrations of a hazardous substance in soil, water, air, or sediment that are determined to be protective of human health and the environment. At this Site, MTCA Method A cleanup levels have been used to screen analytical results for Site hazardous substances in soil and groundwater. Ecology concurs that soil is the only media at either Site for which cleanup levels need to be set, as no exceedances were identified in groundwater. Ecology concurs that cleanup levels for Site hazardous substances in the table below are appropriate for the Site:

Hazardous Substance	Soil Cleanup Level ¹¹ (mg/kg)	Groundwater Cleanup Level
TPH-D and TPH-O	2,000	500
Benzene	0.03	5
Toluene	7	1,000
Cadmium	2	5
Lead	250	15
cPAH as benzo[a]pyrene (as TEF) ^{12,13}	0.1	0.1

¹¹ More stringent of protection of groundwater or direct contact

¹² TEF = toxicity equivalency factor

¹³ Ecology, cPAH TEF Implementation Memo #10 – Polycyclic Aromatic Hydrocarbons and Benzo[a]pyrene: Changes to MTCA Default cleanup Levels for 2017 (January 2020)

Ecology concurs with using the MTCA Method A cleanup levels for the Site. The Lakewood Transit Center is used daily by the public and that is an unrestricted use. Neither Site meets the definition of an industrial facility under WAC 173-340-200.

Applicable Laws and Regulations (ARARs)

Ecology reviewed applicable local, state, and federal laws and determined no adjustments to cleanups standards were required at either Site.

Selecting the Cleanup Action

Concurrent excavations at both Lakeview Auto Wrecking and the Kwang Property were completed to remove contaminated soils in several locations. Excavation of contaminated soils was used to remediate both Sites and multiple areas of concern associated with both Sites. Contaminated soils were adequately profiled and disposed of at LRI.

Feasibility Study (FS) and Disproportionate Cost Analysis (DCA)

As the most permanent cleanup remedy was used (excavation), a FS/DCA was not required for either Site.

Implementing the Cleanup Action

Ecology has determined your cleanup meets the standards set for the Site.

In 2007, a total of 4,670.49 tons of contaminated soil was removed by excavation and disposed of at Pierce County's LRI Regional Landfill in Puyallup, Washington.

Additionally, removal of the petroleum contaminated soil associated with the 750-gallon UST and sump were completed to the maximum extent practicable.

Confirmatory Soil Sampling

For the Lakeview Auto Wrecking Site, a total of 60 confirmatory soil samples were collected to confirm that lead had been remediated to less than the MTCA Method A cleanup level. A total of 17 soil confirmation samples (including two duplicate samples) were collected to analyze excavation extents for TPH-D, TPH-O, cadmium, and cPAHs.

For the Kwang Property, a total of 14 confirmatory soil samples were collected. Four additional excavation extent samples were collected for the sump, and seven excavation extent samples collected for the removed UST excavation.

After the excavations, the remaining exceedances of the MTCA Method A cleanup levels were the petroleum in soil at S-4, and lead in soil at KDW-69, LA-14, and LA-15. The total soil sampling Lakeview Auto Wrecking and Kwang Property results were combined to evaluate compliance, using statistical compliance methods.¹⁴

The 95 UCL was less than the MTCA cleanup level of 2,000 mg/kg for TPH-D and TPH-O, and less than 250 mg/kg for lead in soil. The 95 UCL for TPH-D and TPH-O in soil was 781 mg/kg and for lead in soil was 140 mg/kg.

Fewer than 10% of soil samples exceeded the cleanup level. No contaminant concentration in remaining soil was more than twice the cleanup level. Ecology concurs that the analytical results for TPH-D and TPH-O and lead in soil are in compliance with the MTCA Method A cleanup levels.

The cleanup performed at the Site meets the threshold requirements under WAC 173-340-360(2), and:

- Is protective of human health and the environment.
- Is in compliance with cleanup standards.
- Is in compliance with applicable state and federal laws.
- Used permanent solutions to the maximum extent practicable.
- Provides for a reasonable restoration timeframe.
- Sufficiently considers public concerns.
- Does not require institutional controls or compliance monitoring.

Ecology concurs that no institutional or engineered controls are needed for either cleanup. There are no monitoring wells at the Site to decommission. The Sites and Properties are anticipated to remain in use as the Lakewood Transit Center for the foreseeable future. Surfaces at the Lakewood Transit Center are covered in concrete and asphalt, so there is the additional barrier to any direct contact with soil.

Should the property ever be re-developed, Ecology recommends that a contaminated media management plan be developed to manage any contaminated soils which may be encountered.

¹⁴ WAC 173-340-740(7)

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 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 you performed is substantially equivalent. Courts make that determination.

See RCW 70A.305.080 and [WAC 173-340-545](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545).¹⁵

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).

¹⁵ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

Termination of Agreement

Thank you for cleaning up the Sites under the VCP. This opinion terminates the VCP Agreements governing VCP Projects No. VCP SW1842 and SW1843.

Questions

If you have any questions about this opinion or the termination of the Agreements, please contact me at 360-999-9589 or tim.mullin@ecy.wa.gov.

Sincerely,



Tim Mullin, LHG
Southwest Region Office,
Toxics Cleanup Program

TCM: at

Enclosures: A – Site Description
B – Document List

cc by email: Susan Penoyar, PE, Sound Transit; susan.penoyar@soundtransit.org
Marsi M. Beeson, GeoEngineers; mbeeson@geoengineers.com
Weston Ott, City Engineer, City of Lakewood Public Works Engineering;
publicworksenineering@cityoflakewood.us
Marian Abbett, PE, Ecology; marian.abbett@ecology.wa.gov
Fiscal, VCP Fiscal Analyst (w/o encl)
TCP, Operating Budget Analyst (w/o encl)
Ecology Site File

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Enclosure A

Site Description

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Property History and Current Use: The Lakeview Auto Wrecking Site is located at 11528 Pacific Hwy SW, Tacoma (Lakewood), Washington. The Kwang Property has addresses of 11536 and 11538 Pacific Hwy SW, Lakewood, Washington. Both Sites are located on Pierce County parcel 0219122166 (the Property).

Property Vicinity: The Sites are located in a dense urban area, comprised of mixed commercial and residential areas. The Sites lie between the BNSF railway tracks and Interstate 5.

Soils and Geology: Soils beneath the Sites are mainly Steilacoom Gravels intermixed with sands, silts, and clays. Hollow stem auger drilling blow counts during temporary monitoring well installation in May 2003 indicated medium dense soils.

Groundwater: Based on grab groundwater sampling during the May 2003 Phase II ESA, the depth to groundwater at the Sites ranged from 15-18 feet bgs.

Surface/Storm Water/Septic Systems: The Site is serviced by city water and sewer. Stormwater systems are present. There is no surface water or wetlands at the Site. The nearest surface water is Hidden Lake, located approximately 0.5 miles northwest of the Sites.

Brief Site History: Ecology provided a detailed Site history in its opinion letter dated March 3, 2006. Additional Site history is provided in Shannon and Wilson's *Remedial Action Report* dated September 19, 2008.

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Enclosure B

Documents List

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Documents List

1. GeoEngineers, Inc. (GeoEngineers), Request for Regulatory Closure at the following Property, August 21, 2024.
2. GeoEngineers, Request for Regulatory Closure at the following Property, May 24, 2024.
3. Shannon and Wilson, Remedial Action Report Lakewood Station, September 19, 2008.
4. Shannon and Wilson, Cleanup Action Plan Kwang Property, January 24, 2006.
5. Shannon and Wilson, Environmental Report Kwang Property, January 24, 2006.
6. Shannon and Wilson, Cleanup Action Plan Lakeview Auto Wrecking, January 24, 2006.
7. Shannon and Wilson, Environmental Report Lakeview Auto Wrecking, January 24, 2006.
8. URS Corporation (URS), Phase II ESA, Kwang Property, August 25, 2003.
9. URS, Phase II ESA, Lakeview Auto Wrecking Property, August 1, 2003.
10. URS, Phase I ESA, Kwang Property, May 19, 2003.
11. URS, Phase I ESA, Lakeview Auto Wrecking Property, May 19, 2003.