



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

March 25, 2013

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Ms. Ann Macdonald
Coca-Cola Refreshments USA Inc.
1551 Atlantic Street
Union City, CA 94587

Re: Further Action at the following Site:

- **Site Name:** Coca Cola Bottling Co. of Washington - Bellingham
- **Site Address:** 2101 Woburn Street, Bellingham, Washington
- **Facility/Site No.:** 64254993
- **CS ID:** 6428
- **VCP Project No.:** NW2661

Dear Ms. Macdonald:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Coca Cola Bottling Co. of Washington Bellingham 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

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.

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

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

- Total Petroleum Hydrocarbons-Gasoline and Diesel Range Organics (TPH-GRO and TPH-DRO) in Soil and Groundwater.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no



information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

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

1. ATC Associates Inc., November 15, 2012, Remedial Action Report.
2. ATC Associates Inc., March 30, 2011, Groundwater Monitoring and Limited Subsurface Investigation Report.

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) 649-7235 or sending an email to nwro_public_request@ecy.wa.gov.

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 **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 not sufficient to establish cleanup standards and select a cleanup action.

Contamination in soil exceeding MTCA Method A cleanup levels remains along the 4-foot corrugated street storm line in the City of Bellingham (city) right-of-way beneath Valencia Street, which is not fully characterized.

Groundwater at the Site could be impacted by the exceeded contamination in soil in the future, that is likely a contamination source.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site do not meet the substantive requirements of MTCA.

a. Cleanup levels.

Soil

A terrestrial ecologic evaluation (TEE) has not been completed for the Site. The TEE evaluation needs to be performed for the Site to determine if cleanup levels protective of terrestrial species are required.

The Site does not meet the MTCA definition of an industrial property. Therefore, soil cleanup levels suitable for unrestricted land use are determined for the Site. For unrestricted land use, human direct contact and soil-to-groundwater pathway, Method A cleanup levels defined in MTCA can be utilized.

Groundwater

The site investigation indicated that groundwater was contaminated by the releases. It is also appropriate to utilize MTCA Method A cleanup levels defined in MTCA for unrestricted land use at this Site.

b. Points of compliance.

Soil

The point of compliance for contamination soil is based on the protection of groundwater and it is applied for Site wide throughout the soil profile, which will extend below the water table.

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 which could potentially be affected.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA. In 2011, approximately 3,380 tons of contamination soil were removed around the former underground storage tank (UST) and were disposed from the Site. However, impacted soil remains under the city right-of-way beneath Valencia Street.

The site assessment conducted in 2010 revealed groundwater at the Site was impacted by petroleum hydrocarbons. The groundwater quality will need to be re-characterized when the remaining contaminated soil is addressed in the future.

4. Cleanup.

Ecology has determined the remedial efforts you performed do not meet the defined cleanup standards at the Site. At completion of the interim action, contaminated soil remained on the western part of the Site, beneath Valencia Street.

Groundwater would be required to be cleaned up to MTCA cleanup levels if further assessment indicates exceedances of the groundwater. Basically, Ecology would issue a NFA letter if monitoring results demonstrate that non-exceedances are found in the groundwater for four consecutive quarterly monitoring events. Also, there should be at least one monitoring well constructed down gradient of the plume and installed in native materials.

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 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.

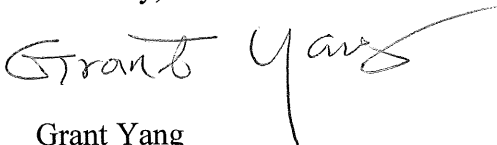
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

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. If you have any questions about this opinion, please contact me by phone at (425) 649-7126 or e-mail at gyan461@ecy.wa.gov.

Sincerely,



Grant Yang
NWRO/Toxics Cleanup Program

cc: Simon Payne
ATC Associates Inc.
6347 Seaview Ave., NW, Seattle, WA 98107