



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 10, 2013

Mr. Justin Foslien  
Cardno ERI  
815 Industrial Way  
Tukwila, WA 98188

**Re: Opinion pursuant to WAC 173-340-515(5) on Proposed Remedial Action for the following  
Hazardous Waste Site:**

- **Name:** Casino Chevron (Former Exxon Station 73372)
- **Address:** 8402 Evergreen Way, Everett, WA
- **Facility/Site No.:** 68413425
- **CSID:** 6512
- **VCP No.:** NW1547

Dear Mr. Foslien:

Thank you for submitting documents regarding your proposed remedial action for the Casino chevron (Site) for review by the Washington State 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 a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Oil, diesel, gasoline range petroleum hydrocarbons (ORPH, DRPH, GRPH), benzene, toluene, ethyl benzene, and xylene (BTEX), lead in soil and groundwater.

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 your proposed remedial action(s):

1. Site Summary and Voluntary Cleanup Program Application, Former Exxon Station 7-3372, prepared by Environmental Solutions Inc., publication date December 6, 2005.
2. Summary of Cleanup Selection at Former Exxon Service Station 7-3372, prepared by Environmental Resolutions Inc., publication date September 8, 2006.
3. Request for Expedited Review and No-Further-Action Determination for Former Exxon Station 7-3372, prepared by Environmental Resolution Inc., publication date October 16, 2007.
4. Response to Comments, Former Exxon Station 7-3372, prepared by Cardno ERI, publication date November 26, 2012.

The reports 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 at (425) 649-7235 or send email to [nwro\\_public\\_request@ecy.wa.gov](mailto:nwro_public_request@ecy.wa.gov).

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

- Oil, diesel, gasoline range petroleum hydrocarbons (ORPH, DRPH, GRPH), benzene, toluene, ethyl benzene, and xylene (BTEX), lead in soil and groundwater.

A Site diagram is included in Enclosure A. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC**, for characterizing and addressing the following release(s) at the Site, Ecology has determined:

- Casino Chevron (aka. Former Exxon Station 7-3372) had a petroleum release from underground storage tanks (USTs) reported in 1988. Subsequent remediation at the site has included tank removal, soil excavation, air sparging, soil vapor extraction and groundwater extraction. Recent groundwater monitoring results from September 2012 indicate that a new gasoline and diesel release has occurred at the site.
- Multiple USTs were reported as excavated from the site during 1990 and 1993. The Property is currently an active gasoline station. What are the volumes and contents for the tanks currently installed at the Property? Use inventory records to estimate the volume of petroleum released during the recent leak.
- Groundwater monitoring at the Site is necessary to define the lateral and vertical extent of contamination from the current and past petroleum releases. Describe how the current monitoring wells adequately define the nature and extent of groundwater contamination.
- Soil beneath the USTs was contaminated before the current leak. Further characterization is necessary to define soil contamination from the current release and, if possible, distinguish it from the existing contamination on the Site.

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- It does not appear that a Remedial Investigation (RI) or Feasibility Study (FS) have been prepared for this Site. See WAC 173-340-350 through 360 for guidance.
- In an opinion letter dated January 30, 2007, Mark Adams of Ecology requested additional information about the geologic and hydrologic setting at this Site. This information is typically found in the RI and should include hydrostratigraphic cross-sections through the Site both parallel and perpendicular to groundwater flow. Show soil sample locations vertically including reported values, well locations, screen depths, and water level. Information provided should show how the vertical and lateral extent of contamination has been determined.

**This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

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 conducted at the Site meet those requirements.

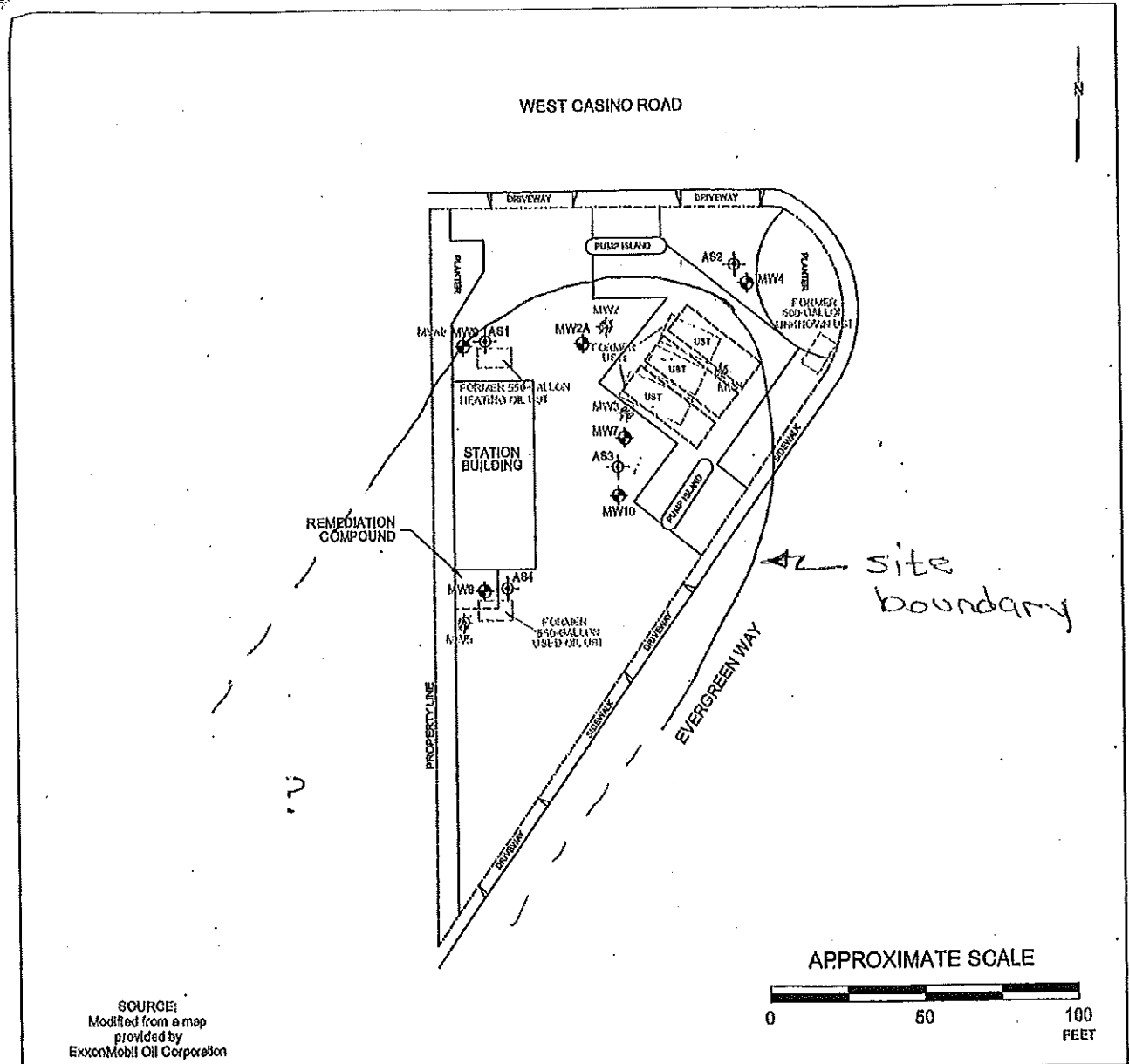
If you have any questions regarding this opinion, please contact me at (425) 649-7097 or by email at [diane.escobedo@ecy.wa.gov](mailto:diane.escobedo@ecy.wa.gov).

Sincerely,



Diane Escobedo  
Site Manager  
Toxics Cleanup Program

Enclosure: A - Site Map



FN: 31107.14.R12.0002

## EXPLANATION

- MW10  
Groundwater Monitoring Well
- AS4  
Air Sparge Well
- MW6  
Destroyed Groundwater Monitoring Well



# GENERALIZED SITE PLAN

FORMER EXXON STATION 73372  
8402 Evergreen Way  
Everett, Washington

PROJECT NO.

31107

PLATE

2

BTK: 10/05/09