



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 6, 2013

Mr. Dave Sizemore  
Founder's Choice Cabinet & Countertops  
1517 South Tacoma Way  
Tacoma, WA 98409

**Re: Further Action at the following Site:**

- **Site Name:** Founder's Choice
- **Site Address:** 1517 South Tacoma Way, Tacoma, WA
- **Facility/Site No.:** 8569
- **Cleanup Site ID No.:** 12105
- **VCP Project No.:** SW1292

Dear Mr. Sizemore:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Founder's Choice 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**

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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**

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

- Petroleum hydrocarbons and related constituents into the Soil.

**Enclosure A** includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

### **Basis for the Opinion**

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

1. Robinson Noble, Founder's Choice Cabinets and Countertops Site Investigation Report, March 2013.
2. Robinson Noble, Founder's Choice Cabinets and Countertops Groundwater Characterization and Remedial Feasibility Study, June 2013.
3. Email communication with John Hildenbrand on August 22, 2013.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You can make an appointment by calling the SWRO resource contact at (360) 407-6365.

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

### **Analysis of the Cleanup**

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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. The Site is described above and in **Enclosure A**.

The Site is currently a commercial property surrounded by other industrial and commercial buildings, paved parking lots, access roads, and public right-of-ways. The Site is bounded to the south by South Tacoma Way and Interstate 5, and to the east, north, and west by Simco Distributing, Coast Home Improvement, US Sheet Metal, Garbar Electric, and Ply-trim West.

Records indicate that there was a historic gas station adjacent to the subject Site. Also, a 1,700-gallon underground storage tank (UST) used to store bunker-C oil and a 500-gallon UST used to store heating oil were present on Site. Both USTs were removed in 1992 from the Site.

Confirmation soil sampling after the removal of the 1,700-gallon UST indicated that there was residual contamination on the side wall of the removal pit adjacent to the building's foundation, at a concentration of 812 milligrams per kilogram (mg/kg). This concentration was above the MTCA cleanup level at the time (200 mg/kg) but is below the current MTCA Method A cleanup level of 2,000 mg/kg.

There was no soil confirmational sampling following the 500-gallon heating oil UST removal.

Site investigation was conducted in 2012 and 2013 through several events.

**Event 1** was conducted on September 12, 2012 and four soil borings were drilled (see Figure 2 in Enclosure A). Soil borings B1, B2, and B4 were drilled at the former gas station to depths ranging from 19 to 30 feet below ground surface (bgs). A photoionization detector (PID) was used to screen soil and no indication of impact was found. One soil sample was collected from the bottom of each boring at 25, 30, and 19 feet bgs, respectively. The samples were analyzed for gasoline-range total petroleum hydrocarbons (TPH-Gx) and volatile organic compounds (VOCs) by EPA method 8260C. All samples were non-detect. Soil boring B-3 was drilled in the vicinity of the suspected location of the former 500-gallon heating oil UST. A pronounced petroleum odor was noted during the drilling, and soil was sampled at 13.5 and 19 feet bgs and analyzed for diesel-range total petroleum hydrocarbons (TPH-Dx). Soil at 13.5 feet bgs detected TPH-Dx at 4,090 mg/kg, exceeding the MTCA Method A cleanup level of 2,000 mg/kg.

**Event 2** was a soil excavation effort at the former UST and B-3 boring location conducted on October 30, 2012. Soils were observed to be unimpacted until 10 feet bgs. At 10 feet bgs, a moderate petroleum odor was noticed. Beginning at a depth of 12 feet bgs, soil staining and heavy petroleum odor was encountered. The excavation stopped because of concerns of building foundation stability. The excavation reached 13 feet bgs on average. Fifteen confirmation samples were collected (see Figure 3 of Enclosure A) from the sidewalls and bottom of the excavation pit. Of the eight samples collected from 11 to 15 feet bgs, six detected TPH-Dx ranging from 2,370 to 31,400 mg/kg, both on sidewalls and at the bottom of the excavation pit. Of the seven samples collected from shallower than 10 feet bgs, all were free from TPH-Dx impact. Three of the seven shallow samples were from under the building at the depths of 4.5 to 5 feet bgs, and no deeper samples were collected from under the building.

**Event 3 and 4** were supplemental Site investigations conducted in November and December of 2012 after the October soil excavation. The supplemental Site investigations focused on the former 500-gallon UST area around the northwest corner of the Founder's Choice building and a total of 15 soil borings (B5 through B19) were drilled using direct-push method. The soil borings were sampled between 13.5 feet and 25 feet bgs.

Six of these soil borings (B8, B-12, B-13, B-14, B-15, and B-19) detected TPH-Dx in soil between 14 and 24 feet bgs ranging from 6,350 to 28,000 mg/kg, exceeding the MTCA Method A cleanup level. As such, the lateral extent of soil contamination is larger than the previously excavated area (see Figure 4 in Enclosure A). Except the southeast corner covered under the building, the lateral extent of the soil contamination plume appeared to have been delineated. Vertically, borings B-3, B-8, B-12 and B-15 were sampled to a depth that defined the bottom of soil contamination plume. However, only one soil sample was collected from B-13 at 24 feet bgs and the TPH-Dx was at 7,370 mg/kg, indicating that the lower boundary of the soil plume has not been defined at this location.

The soil samples from B-15 and B-19 were also analyzed for extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH).

Additional Site investigation was conducted in June 2013. Four groundwater monitoring wells (MW1 through MW4) were installed along or outside the previously delineated lateral boundary of the soil contamination plume (see Figure 5 of Enclosure A). Groundwater was encountered at 29 to 34 feet bgs. All groundwater was sampled and was non-detect for TPH-Dx and oil-range TPH.

During this additional Site investigation, one soil boring (B20) was also drilled near B-13, where the soil contamination was previously detected at 24 feet bgs and the vertical extent of soil plume had not been defined. Four soil samples were collected from B-20 at the depths of 25.5, 27, 30, and 32 feet bgs. The two shallower samples detected TPH-Dx at 10,720 mg/kg and 3,420 mg/kg, respectively, above the MTCA Method A cleanup level, and the two deeper samples detected TPH-Dx at 570, and 1,190 mg/kg, respectively, below the MTCA Method A cleanup level.

Based on review of the available information, Ecology has determined that the Site characterization is insufficient and Ecology has following comments:

1. The lateral and vertical extent of soil contamination plume was sufficiently defined to the west, north and east. However, the southeast corner, especially the area under the current building and to the southwest corner of the building, remains undefined. Additional soil samples are needed from within the building and outside the building along its south edge and southwest corner.

2. All the monitoring wells installed are around the perimeter of the soil contamination plume. At least one groundwater monitoring well is needed within the soil contamination plume area to further define if the groundwater is impacted because the depth to groundwater was 28 to 34 feet bgs, while the deepest soil contamination was at 27 feet bgs, making the soil contamination likely within the fringe zone of groundwater, additionally, the groundwater table is very flat in the area and groundwater appears to be stagnant, wells surround the soil plume may not detect the groundwater contamination below the soil plume.
3. Please note that even though the groundwater samples were non-detect from the current groundwater monitoring wells, long-term groundwater monitoring would be required for this Site if a non-permanent cleanup was preferred and contaminated soil was left in place.
4. In accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840 (Data Submittal Requirements), data generated for Independent Remedial Actions shall be submitted simultaneously in both a written and electronic format. For additional information regarding electronic format requirements, see the website <http://www.ecy.wa.gov/eim>. Be advised that according to the policy, any reports containing sampling data that are submitted for Ecology review are considered incomplete until the electronic data has been entered. Please ensure that data generated during on-site activities is submitted pursuant to this policy. **Data must be submitted to Ecology in this format for Ecology to issue a No Further Action determination.** Please be sure to submit all data in this format. Data collected prior to August 2005 (effective date of this policy) is not required to be submitted; however, you are encouraged to do so if it is available. Be advised that Ecology requires up to two weeks to process the data once it is received.

## 2. Establishment of cleanup standards.

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

The MTCA Method A cleanup levels for soil and groundwater were used for the Site. Standard points of compliance should be used for the Site. The point of compliance for protection of groundwater shall be established in the soil throughout the Site. For soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance shall be established in the soils throughout the Site from the ground surface to 15 feet bgs. In addition, the point of compliance for groundwater shall be established throughout the Site from the uppermost level of the saturated zone extending vertically to the lower most depth that could potentially be affected by the Site.

Additional investigation is warranted prior to establishing point of compliance.

**3. Selection of cleanup action.**

Ecology has determined the interim cleanup actions you selected for the Site have not met the substantive requirements of MTCA.

Cleanup actions conducted to date included contaminated soil excavation. The disposal of the contaminated soil was off Site (see Section 4 of this letter for details). Further characterization is warranted prior to selecting a final cleanup action.

**4. Cleanup.**

Ecology has determined the cleanup you performed has not met any cleanup standards at the Site.

Cleanup actions conducted to date have included source removal and disposal activities as follows:

- The 1,700-gallon UST and a 500-gallon UST were removed in 1992.
- An area of approximately 20 feet by 10 feet was excavated to an average depth of 13 feet bgs. The excavation stopped because of concerns about the stability of building foundation. Approximately 150 tons of soil was disposed of at LRI 304<sup>th</sup> Street landfill in Tacoma, Washington.

Confirmation samples collected from the four walls and from the bottom of the excavation pit indicated that contaminated soil was left at the bottom and the sidewalls of the excavation pit (see Section 1 of this letter for details). Supplemental Site investigations indicated that soil contamination still exists at the Site in the area surrounding the former 500-gallon UST as deep as 27 feet bgs (see Section 1 of this letter).

A feasibility study (FS) was conducted for the Site that compared three remedial action options, including 1) Excavation and off-Site disposal, 2) Institutional controls and long-term groundwater monitoring, and 3) In-situ thermal desorption. The FS concluded that the most feasible and preferred option was institutional controls and long-term groundwater monitoring.

Ecology concurs that it would be cost-prohibitive to implement options 1 and 3. However, Option 2 (Institutional controls and long-term groundwater monitoring) leaves significant risk to contaminate groundwater because the current soil plume of TPH-Dx is very close to groundwater table. **Ecology recommends you add a fourth option in FS: Partial soil excavation and institutional controls.** This option should consider partially remediating

soil contamination at accessible hot spots to reduce future groundwater contamination risk. Additional groundwater investigation and well installation (see Comment #2 in Section 1 of this letter) will help to further evaluate this additional option.

Because groundwater contamination is a concern for this Site, long-term groundwater monitoring is necessary and will be required if soil contamination will be left in place. If institutional controls are ultimately approved as part of the remedy, an Environmental Covenant (EC) will have to be recorded on the property.

For your information, the process for placing an EC on the property is outlined below:

1. Conduct a title search to identify all persons holding a prior interest in the real property subject to the covenant. To save time later, you should conduct the search as early in the process as possible. Generally, Ecology will not sign the covenant unless all prior interest holders are willing to sign on as grantors or subordinate their interests. See step 5 below.
2. Draft the covenant using the boilerplate document available on the VCP web site: [www.ecy.wa.gov/programs/tcp/vcp/vcp2008/vcpRequirements.html](http://www.ecy.wa.gov/programs/tcp/vcp/vcp2008/vcpRequirements.html). Please note that any changes to the boilerplate language in the covenant must be approved by the Attorney General's Office.
3. Submit the draft covenant for review and comment to the appropriate land use planning authority in your jurisdiction. When requesting such review, please do the following:
  - Send Ecology a copy of your written request.
  - Provide the authority with Ecology contact information.
  - Request that the authority send Ecology a copy of any written response.

Ecology will not approve the covenant unless the authority has been adequately consulted.

4. Upon completing your consultations with the local land use planning authority, submit the draft covenant to Ecology for review and approval. Unless already submitted, also submit to Ecology any comments provided by the planning authority or, if none were provided, documentation of your consultation.
5. Upon Ecology approval, obtain the signatures of all grantors of the covenant and obtain subordination agreements with any persons holding a prior interest in the real property subject to the covenant who are not signing the covenant as a grantor.

6. Upon obtaining the signatures of the grantors and any necessary subordination agreements, submit the covenant to Ecology for its signature as the grantee.
7. Upon obtaining Ecology's signature, record the covenant in every county where the real property subject to the covenant is located. For detailed recording instructions, please refer to Chapter 65.04 RCW.
8. Upon recording, return the original signed and recorded covenant to Ecology and provide a copy of the recorded covenant to the following persons:
  - Each person that signed the covenant.
  - Each person holding a recorded interest in the real property subject to the covenant.
  - Each person in possession of the real property subject to the covenant at the time the covenant is executed.
  - Each municipality or other unit of local government in which real property subject to the covenant is located.
  - Any other persons Ecology requires.

The copy must be legible and the recording number must be evident.

For more information on how to create an environmental covenant, please refer to the Uniform Environmental Covenants Act (UECA), Chapter 64.70 RCW, and WAC 173-340-440 of the MTCA Cleanup Regulation.

Once Ecology receives the original signed and recorded covenant, and all other remedial actions have been completed, the NFA letter for the Site will be provided to you.

### **Limitations of the Opinion**

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**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.**

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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).

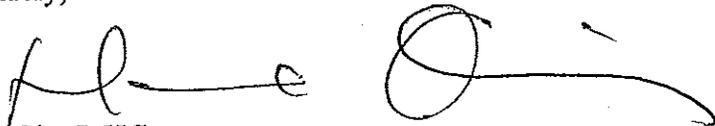
**Contact Information**

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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](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me by phone at (360) 407-6265 or by e-mail at [hqiu461@ecy.wa.gov](mailto:hqiu461@ecy.wa.gov).

Sincerely,

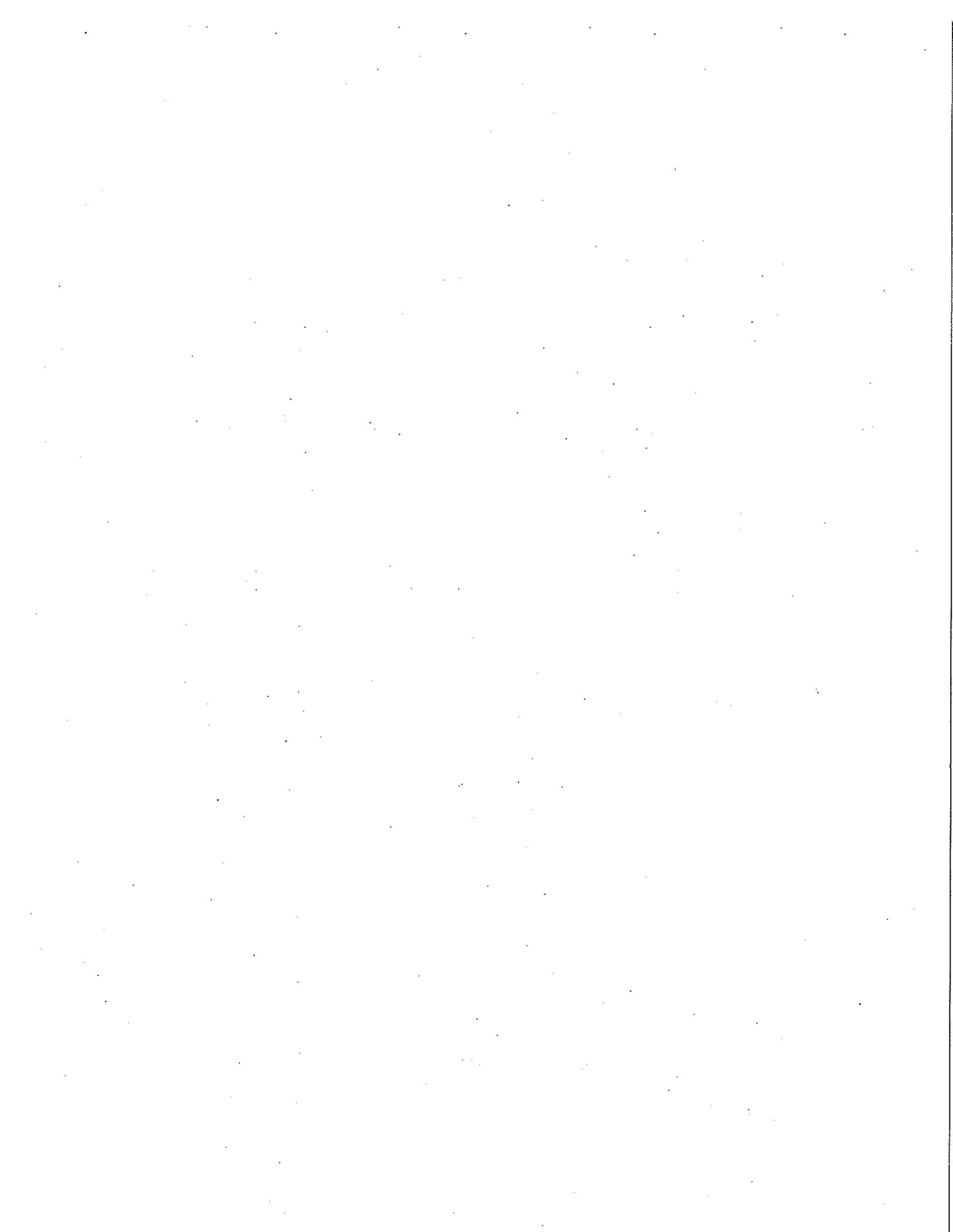
  
Hans Qiu, L.H.G.  
Site Manager  
SWRO Toxics Cleanup Program

HQ/ksc: SW1292 Site FA Founders choice

Enclosures: A – Description and Diagrams of the Site

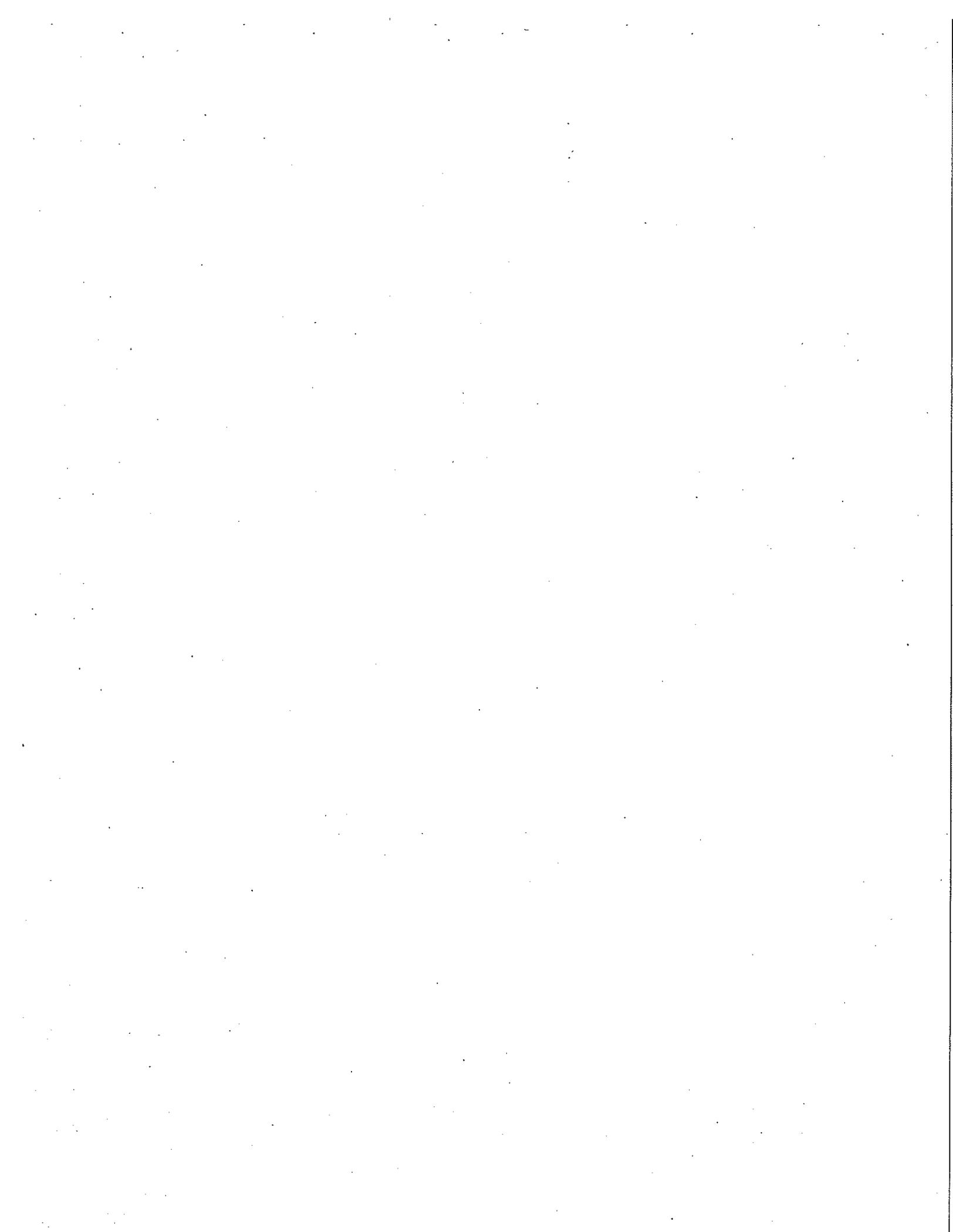
By certified mail: (7012 1010 0003 0195 4482)

cc: John Hildenbrand, Robinson Noble, Inc.  
Rob Olsen, Tacoma/Pierce County Health Department  
Dolores Mitchell – Ecology  
Scott Rose – Ecology



## **Enclosure A**

### **Description and Diagrams of the Site**



## Site Description

The Site is located at 1517 South Tacoma Way, Tacoma, Washington. It is comprised of three tax parcels (7105000300, 7105000301, and 7105000340). The property is currently a commercial property surrounded by other industrial and commercial buildings, paved parking lots, and access roads. The Site is bounded to the south by South Tacoma Way and Interstate 5, to the east, north, and west by Simco Distributing, Coast Home Improvement, US Sheet Metal, Garbar Electric, and Ply-trim West.

Records indicate that there was a historic gas station adjacent to the subject Site. A 1,700-gallon underground storage tank (UST) used to store bunker-C oil and a 500-gallon UST used to store heating oil were at the Site and were removed in 1992.

Quaternary Vashon Steilacoom gravel deposits are the geological strata in this area. These deposits consist of sandy gravels with cobbles. Boring logs at the Site indicated that brown gravelly sand to depths of at least 40 feet. Groundwater was encountered between 28 and 34 feet below ground surface (bgs). The groundwater table is very flat at the Site and does not show a clear flow direction.

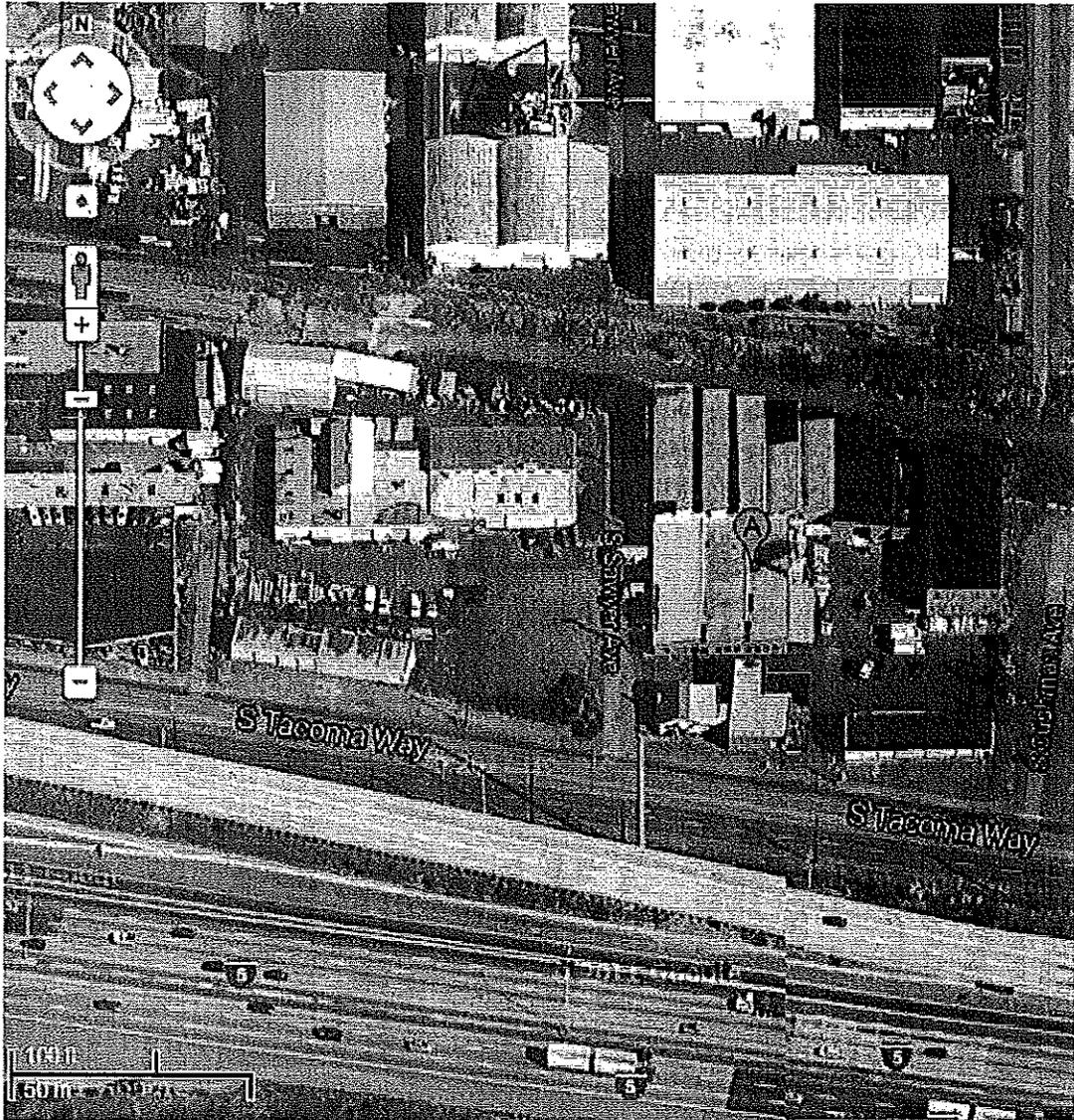


Figure. 1 Location of the Founder's Choice Site in Tacoma, WA



Figure 2 Soil Boring locations at former gas station (B1, B2, and B4) and at suspected underground storage tank location (B3) during Site Investigation Event 1 conducted on September 12, 2012. B3 detected TPH-Dx exceeding MTCA Method A cleanup level.

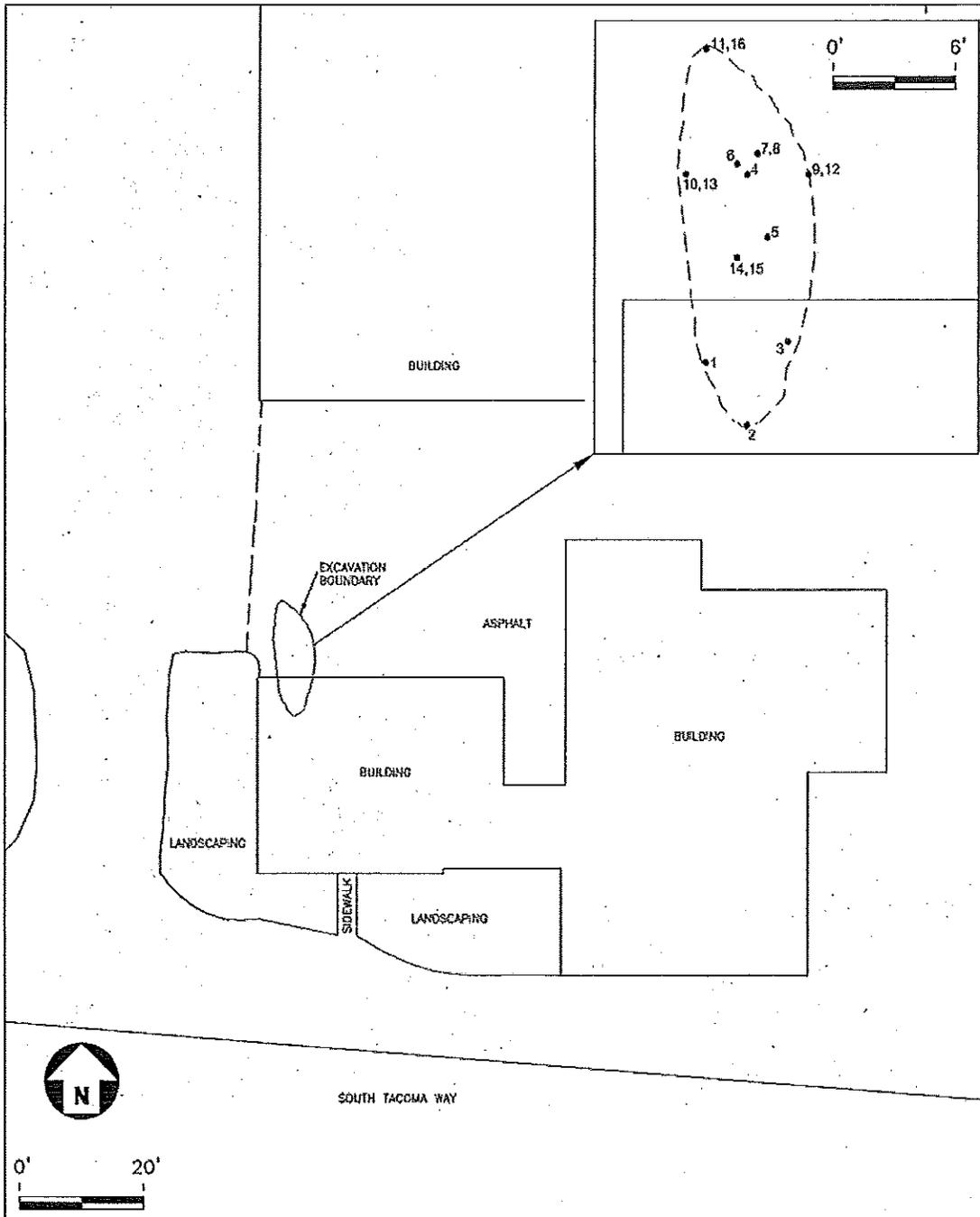


Figure 3: Soil Excavation conducted on October 30, 2012. The excavation stopped at 13 feet bgs on average because of concerns of building foundation stability. The excavation did not reach the bottom of soil contamination. Conformation soil samples indicate soil contamination remains.

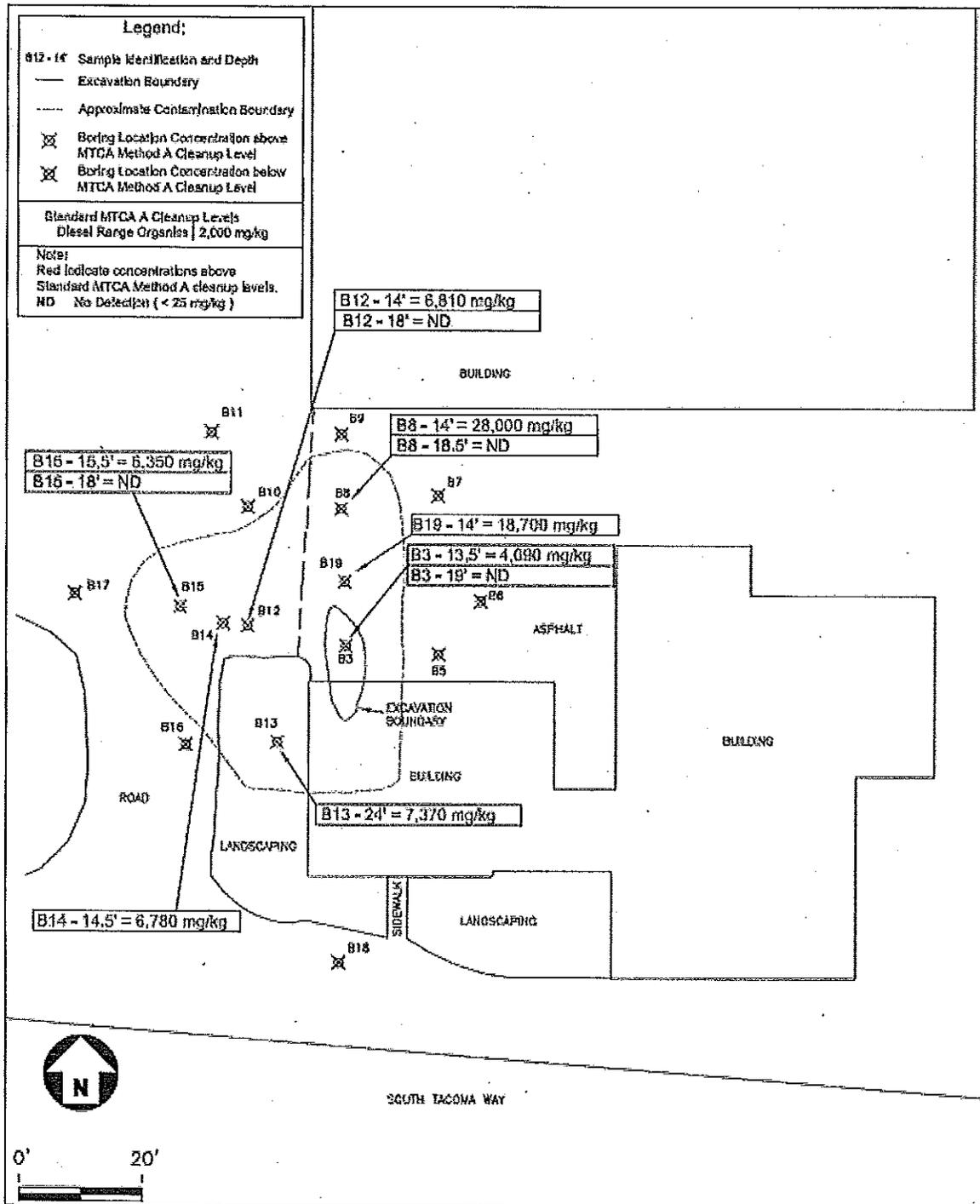


Figure 4: Supplemental Site investigation in November and December of 2012 delineated the lateral boundary of soil contamination plume. Vertical extent remains undefined at southwest corner where B13 is located.

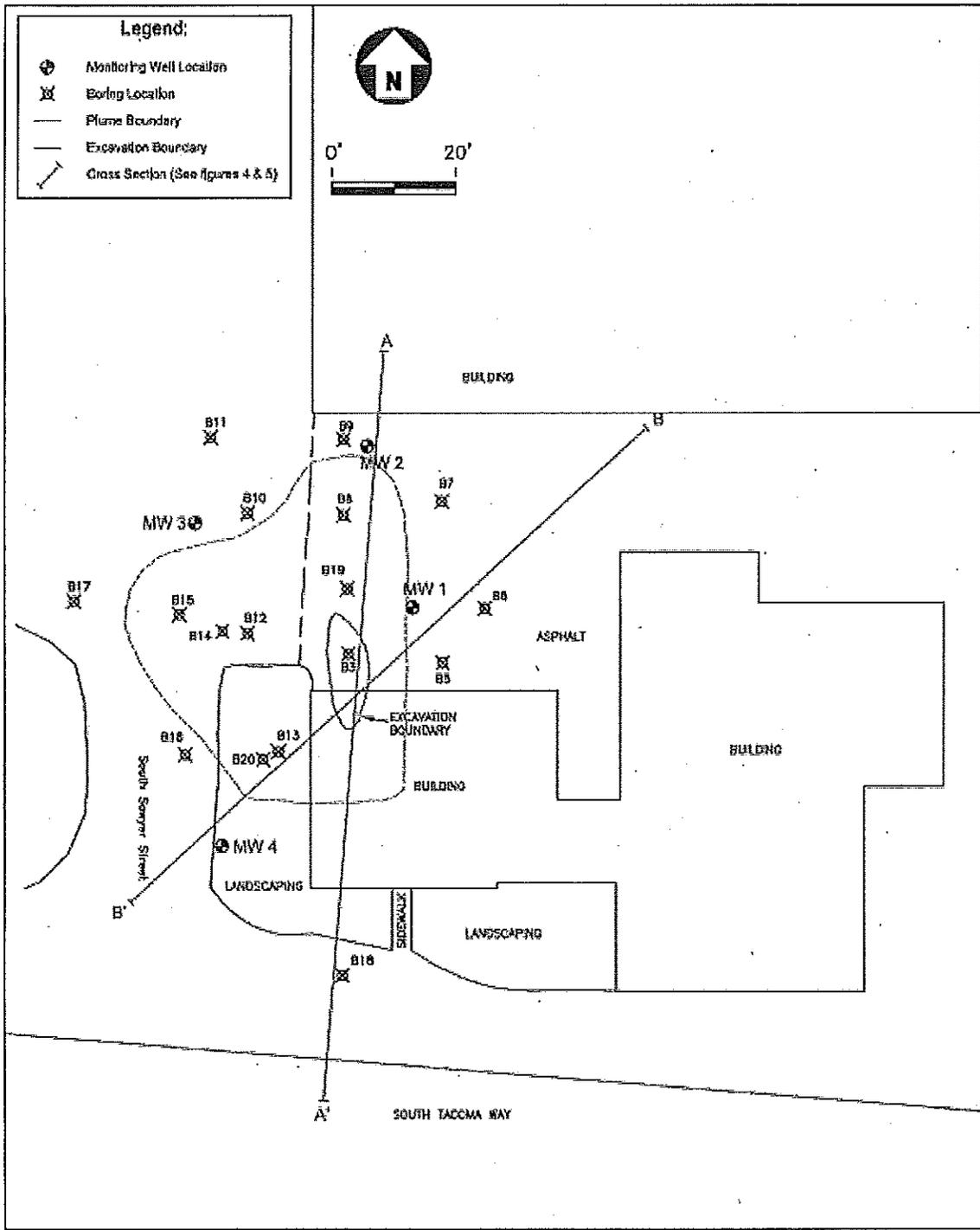


Figure 5: Additional Site investigation conducted in April to May of 2013. Four groundwater monitoring wells were installed and one boring (B20) was completed.