



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 20, 2013

Mr. Kevin Wallace
WRP Surprise Lake, LLC
330 112th Ave NE
Bellevue WA 98009-4184

Re: Further Action at the following Site:

- **Site Name:** Hollywood Video
- **Site Address:** 816 Meridian Avenue East, Milton, Washington
- **Facility/Site No.:** 6012635
- **Site Cleanup No.:** 5385
- **VCP Project No.:** SW0822

Dear Mr. Wallace:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Hollywood Video 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 release:

- Petroleum into 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(s) associated with this Site are affected by other sites.

Basis for the Opinion

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

- Letter from Ecology, *Opinion pursuant to WAC 173-340-515(5) on proposed Remedial Action for the following Hazardous Waste Site: Surprise Lake, Hollywood Video Property*, Charles S. Cline, July 7, 2006.
- *Groundwater Monitoring and LNAPL Mitigation Report*, Pacific Crest Environmental, May 17, 2010.
- *Cleanup Action Completion Report*, Pacific Crest Environmental, June 21, 2013.

These 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

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 located at 816 Meridian Avenue East, Milton, Pierce County, Washington (Figure 1) on the southwest corner of the intersection of Meridian Avenue East and Milton Way. The Site, approximately 1.17 acres, is paved and has one building located on it that is currently vacant. The surrounding area is commercial.

Geology at the Site consists of Vashon Recessional Outwash. Monitoring wells installed at the Site to a maximum depth of 20 feet below ground surface (bgs) have had groundwater at depths of 5 to 9 feet bgs. The groundwater flow direction has been determined to be to the southwest.

The Site was originally developed as a service station around 1960 until it was demolished in 1976. The two underground storage tanks (USTs) were removed by Fife Sand and Gravel and the Site was redeveloped into the current configuration.

Site characterization and soil cleanup activities were conducted at the Site in April and May 2003. Cleanup work consisted of excavation of petroleum-contaminated soil and pumping groundwater from the pit. Approximately 4,128 tons of contaminated soil was removed from the Site and taken to Fife Sand and Gravel in Tacoma for treatment. The areal extent of the excavation was 48 feet by 42 feet by an approximate depth of 12 feet bgs. Groundwater, at approximately 8 feet bgs, was found to have light non-aqueous phase liquid (LNAPL) on it along the eastern wall. A total of approximately 14,800 gallons was pumped out of the pit into a Baker tank during excavation and later transported to Reclaiming Services in Tacoma for disposal. Due to stability issues of Meridian Avenue, excavation was terminated and contamination was left in the east wall of the excavation. Results are listed in Table 1 and locations shown in Figure 2. The depth of the remaining contamination was between 5 feet and 8 feet bgs.

In June 2003, six groundwater monitoring wells, MW-1 through MW-6, were installed at the Site (Figure 3). Two wells, MW-2 and MW-3, were installed in the Meridian Avenue right-of-way (ROW). Soil contamination was found in MW-2. Groundwater was also found to be contaminated with petroleum products.

Three additional monitoring wells; MW-6B, MW-7, and MW-8, were installed in the Meridian Avenue ROW in July 2004 (Figure 3). Soil contamination consisting of Total Petroleum Hydrocarbons-Gasoline (TPH-G), benzene, toluene, ethylbenzene, and xylenes (BTEX) were found above cleanup levels in all three wells (Table 2). LNAPL was found in MW-2 in August 2004 at a thickness of 0.08 feet. The thickest LNAPL noted in this well over its lifespan was 0.73 feet. Note: "HV" was added to well designations and subsequent mentioning of wells will be noted as such.

In February 2009, a passive skimmer was installed in HVMW-2 to recover LNAPL. The skimmer was removed in April 2010 when LNAPL was no longer found. An estimate of 1.86 liters of product was recovered while the skimmer was in place. A short-term soil vapor extraction event was conducted on HVMW-2 in April 2010 to induce air flow through the soil to enhance remediation. The vacuum was run on the well for approximately 6 hours.

Monitoring wells HVMW-1 through HVMW-5 and HVMW-6B were abandoned in place according to applicable regulations in August 2010. In December 2011, during a Site visit, Pacific Crest Environmental personnel found that wells HVMW-9 and HVMW-10, installed in August 2010, had been abandoned. Further research determined that Washington Department of Transportation had misidentified the wells and abandoned them. Replacement wells HVMW-9A and HVMW-10A were installed in February 2012 to replace the abandoned wells (Figure 4).

Groundwater monitoring activities have taken place at the Site with the most recent event being conducted in October 2012. Cumulative groundwater results are listed in Table 2.

Ethylene dibromide has not been detected in samples analyzed for it. Four samples have been analyzed for total lead and two for dissolved; all results have been either non-detect or well below the Method A cleanup level of 15 micrograms per liter ($\mu\text{g/l}$).

Based on the review of the above listed reports, Ecology has the following comments:

1. The July 2006 Ecology opinion letter discussed the Disproportionate Cost Analysis and stated that:

Based on available information, soil and ground-water petroleum hydrocarbon contamination in the western portion of the Meridian Avenue East right-of way adjacent to the Site will require mitigation before the Site will be eligible to attain a No-Further-Action (NFA) determination under MTCA.

The letter later states:

"The disproportionate cost analysis and feasibility study meet the substantive requirements of MTCA. Alternative 1 is acceptable provided: a restrictive covenant is filed with the Pierce County Auditor's Office and comments are received from the local planning office prior to any NFA Letter being issued at the end of the process for the property located to the center line of the right-of-way, and provided that the ground-water concentrations above MTCA method A cleanup levels continues to be limited to the area within the right-of-way of Meridian Avenue East."

Ecology has not received any of the required documentation to date.

2. The 2013 report requests an NFA stating that no contamination above cleanup levels has been found in on-Site wells since 2003. Although this is shown in the provided data, it does not address the contamination found in wells HVMW-2 and HVMW-6B that were located in the Meridian Avenue East ROW. As stated above, Ecology's 2006 letter requested that this be addressed.
3. The most recent groundwater analytical results for wells HVMW-7 and HVMW-8, dated August 13, 2004, had detections of TPH-G and benzene in both wells above Method A cleanup levels. Figure 3 shows them as paved over. Additional characterization in this area will need to be done to determine whether cleanup standards have been achieved.
4. The May 2010 report gave recommendations that included confirmation groundwater sampling of wells HVMW-1, HVMW-2, HVMW-3, and HVMW-6B, yet these wells were

then abandoned in August 2010. Compliance groundwater data will be needed from the area of these wells.

5. The May 2010 report states that HVMW-1 is down-gradient of the Meridian Avenue East ROW and that groundwater data collected at this location should be sufficient to confirm whether petroleum contamination is migrating onto the Site. Since this was one of the wells abandoned, no information was obtained to make this determination so, although off-Site sources are suspected, it is not clear if that is the case. More information will be needed to make this determination.
6. No groundwater data is found in either of the two most recent reports for HVMW-2, thus no confirmation that the LNAPL did not return to the well after initial removal, or the condition of the water was provided. No confirmation samples were collected in this area to determine if the SVE applied to the well reduced contamination.
7. In accordance with WAC 173-340-7490, a Terrestrial Ecological Evaluation (TEE) needs to be completed for the Site. Please fill out the TEE form and any supporting information (as appropriate) and submit it to Ecology. The form can be found on our website at <http://www.ecy.wa.gov/biblio/ecy090300.html>.
8. 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.** Be advised that Ecology requires up to two weeks to process the data once it is received.

2. Establishment of cleanup standards.

Standard points of compliance are being used for the Site. The point of compliance for protection of groundwater shall be established in the soils 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 lowest most depth that could potentially be affected by the Site.

Additional investigation is required to define the extent of impacts on the Site prior to establishing points of compliance.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site does not meet the substantive requirements of MTCA.

Cleanup actions conducted at the Site to date have included excavation and off-Site disposal of petroleum-contaminated soil, skimming of LNAPL from groundwater, and groundwater monitoring. Additional characterization and establishment of cleanup levels are needed prior to selecting a final cleanup action.

4. Cleanup.

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

Remediation activities to date have consisted of excavation and disposal of approximately 4,128 tons contaminated soil. During excavation, approximately 14,800 gallons of water was pumped out of the excavation and taken off Site for treatment.

Groundwater monitoring wells have been installed at the Site to monitor the condition of the groundwater over time. A skimmer was placed in a well that had LNAPL and was active until no more LNAPL was found.

After additional characterization and establishment of cleanup levels are completed, a final cleanup action can be selected.

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 (360) 407-6263 or e-mail at cjoh461461@ecy.wa.gov.

Sincerely,



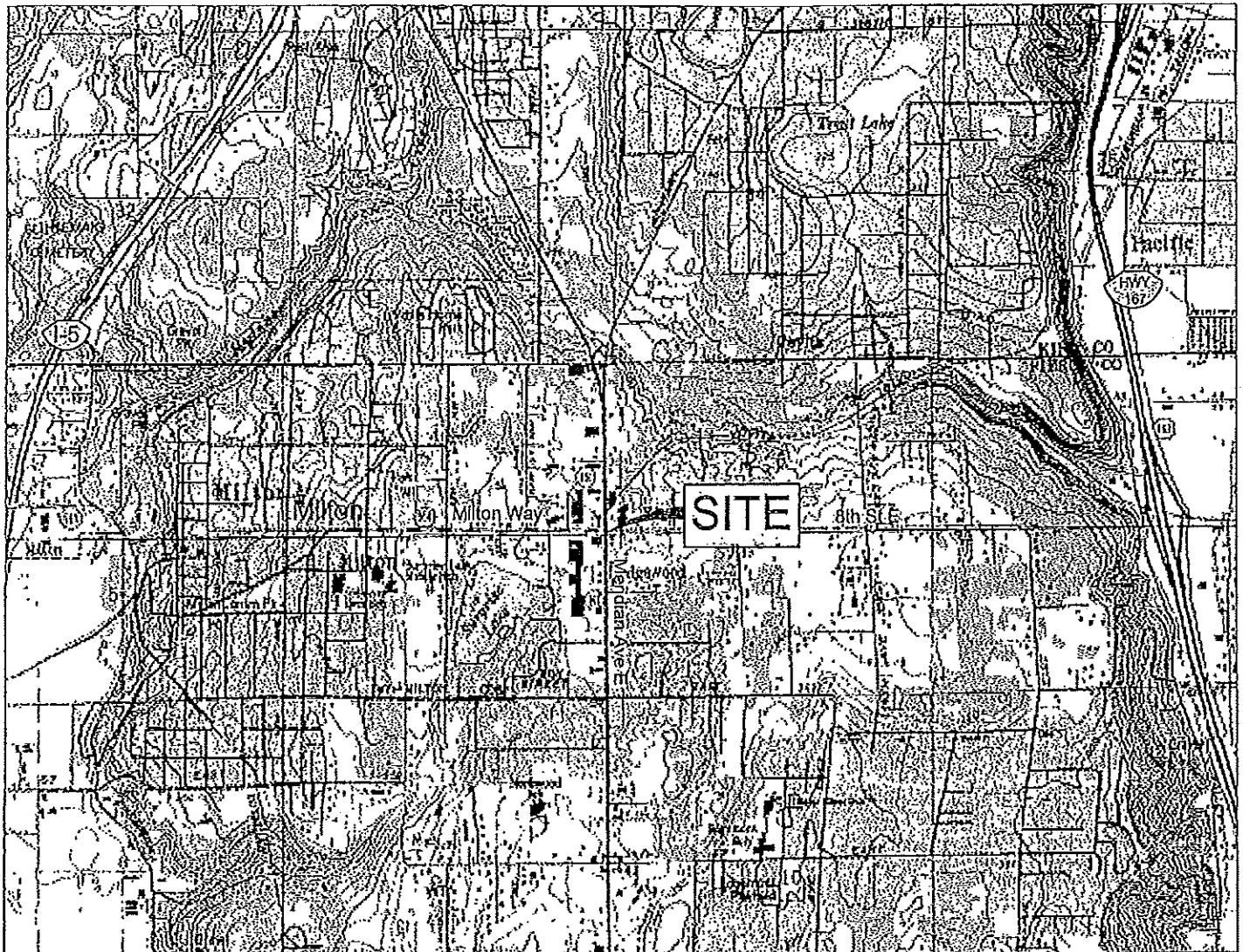
Carol A. Johnston
SWRO Toxics Cleanup Program

CAJ/ksc: SW0822 Hollywood Video FA Opinion

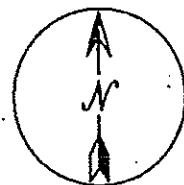
Enclosures (3 figures, 2 tables)

By certified mail: (7010 2780 0000 2503 8476)

cc: William Carroll, Pacific Crest Environmental
Rob Olsen, TPCHD
Scott Rose, Ecology
Dolores Mitchell, Ecology (w/o enclosures)



0 0.5 1
Approximate Scale in Miles



PACIFIC CREST ENVIRONMENTAL
WWW.PCENV.COM 425-888-4990

Figure 1

Site Location Map

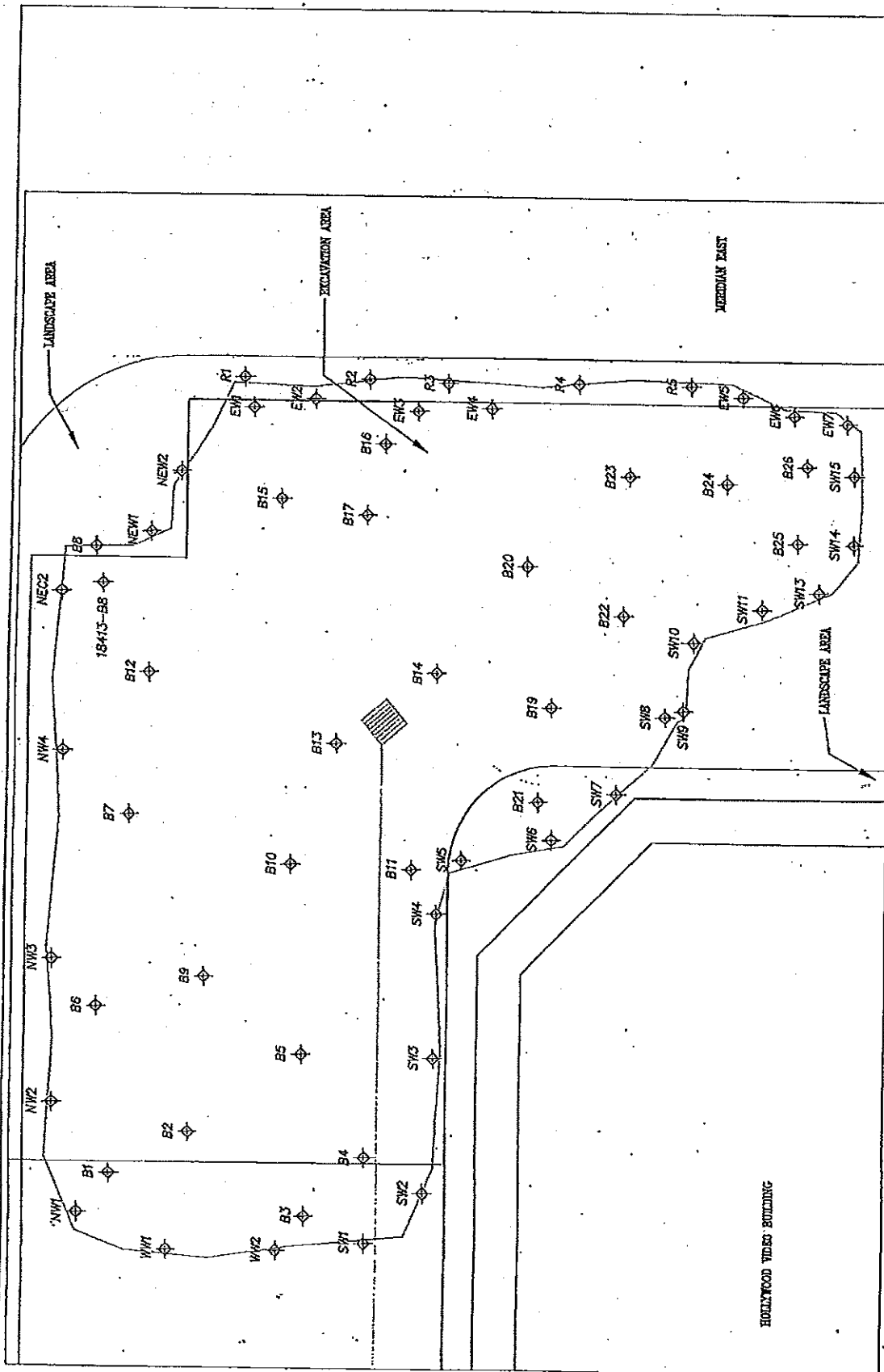
Hollywood Video
816 Meridian Avenue East
Milton, Washington

Project No: 102-001

DWN: MB

CKD: LC

DATE: 02/08/10



**SURPRISE LAKE SQUARE
HOLLYWOOD VIDEO
MILTON WASHINGTON**

Project 21-164-13 Date: 4/29/03
File: EYECR002 Sheet 1 of 1

**PHASE III
EXCAVATION DETAIL**

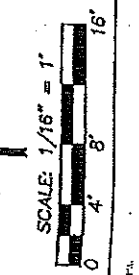
Figure 2

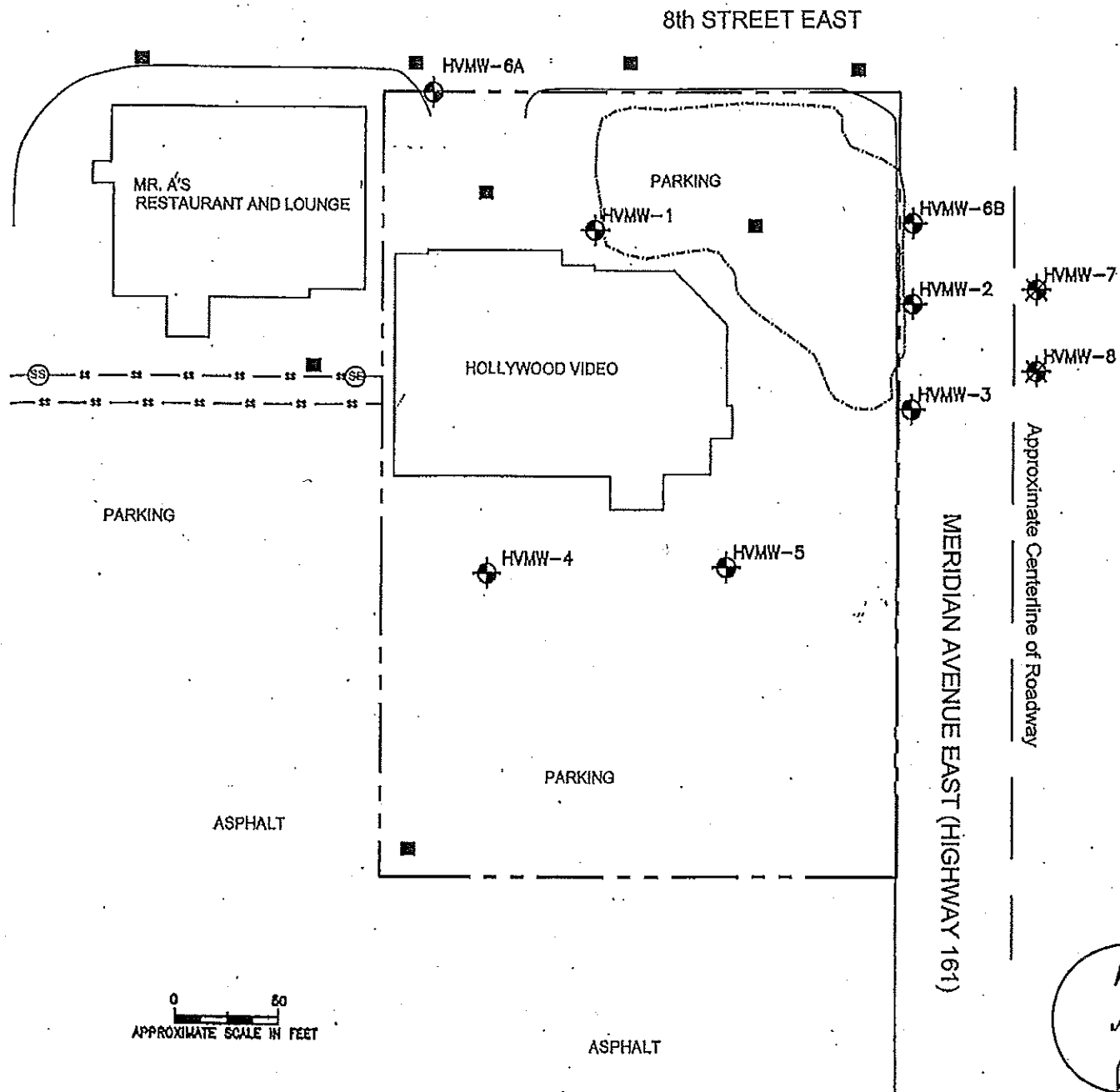
ASSOCIATED ENVIRONMENTAL GROUP, LLC
Environmental Consulting and Contracting
125 East Union Avenue, Suite 100
Orem, UT 84057
(801) 225-0055 Fax (801) 225-0054

No.	Revision/Issue	Date

LEGEND

◇ EXCAVATION SAMPLE LOCATION





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Figure 3 Site Plan with Extent of Excavation

Hollywood Video
816 Meridian Avenue East
Milton, Washington

Drawn By: MB

Checked By: LC

Date: 09/10/08

Project Number: 102-001

4/30/2013 9:27 AM Drafting \\PACIFIC-8\ELSAF\public\Project Files\102 Wallace Properties\102-001 Surprise Lake - Hollywood Video\Figures\102-001-001.dwg FIG 2

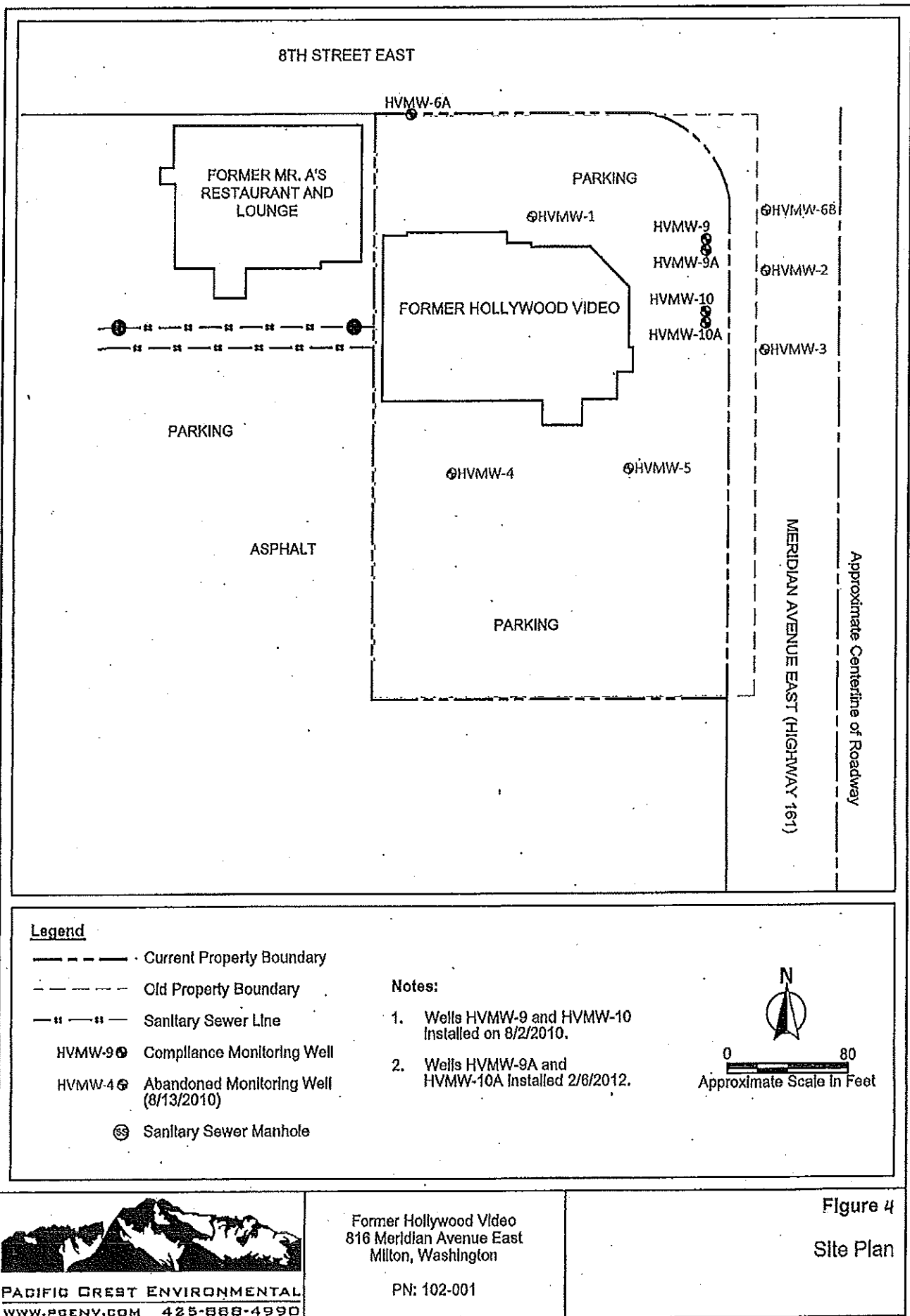


Table 1.0 Analyses of Gasoline (NWTPH-Gx) & BTEX (EPA Method 8021B) in Soil
Surprise Lake Square/Hollywood Video
Milton, WA

Sample location/description	Sample number	Sample depth (ft)	Date analyzed	Gasoline (mg/kg)	Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Xylenes (mg/kg)
Northern east wall	EW-1	4.5	5/2/03	500	0.65	1.30	6.55	18.4
Northern east wall, south EW-1	EW-2	6	5/2/03	370	0.42	0.84	4.10	11.7
Middle east wall, south EW-2	EW-3	8.5	5/2/03	19.0	0.039	0.14	0.23	0.88
Middle east wall, south EW-3	EW-4	10	5/6/03	nd	0.034	0.195	nd	0.27
Southern east wall, south R-6	EW-5	4	5/6/03	nd	nd	nd	nd	nd
Southern east wall, south EW-5	EW-6	7	5/8/03	nd	nd	nd	nd	nd
Southern east wall, south EW-6	EW-7	9	5/9/03	nd	nd	nd	nd	nd
Northeast corner of excavation wall, near Milton Way	NEC-2	6	5/2/03	nd	nd	nd	nd	nd
Northeast wall, immediately southwest of A's sign	NEW-1	5	5/2/03	nd	nd	0.22	nd	0.12
Northeast wall, immediately south of A's sign	NEW-2	8	5/2/03	nd	nd	nd	nd	nd
Northwest corner wall	NW-1	6	4/29/03	nd	nd	nd	nd	nd
Northwest corner wall, east of NW1	NW-2	6	5/2/03	nd	0.023	0.15	nd	0.14
Center of North wall, east of NW2	NW-3	8	5/2/03	nd	0.028	0.13	nd	0.07
North wall, east of NW3	NW-4	6	5/1/03	nd	0.05	0.38	nd	0.41
Over excavation of east wall, parallel to Meridian	R-1	7	5/9/03	230	0.22	0.48	2.74	13.5
Over excavation of east wall, parallel to Meridian	R-2	8	5/9/03	140	0.17	1.25	1.27	3.26
Over excavation of east wall, parallel to Meridian	R-3	5	5/9/03	730	2.08	3.05	9.9	40.8
Over excavation of east wall, parallel to Meridian	R-4	6	5/9/03	430	1.21	1.3	5.35	16.9
Over excavation of east wall, parallel to Meridian	R-5	8	5/9/03	nd	0.043	0.11	0.07	0.32
South corner of northwest wall	SW-1	8	4/29/03	nd	nd	nd	nd	nd
building	SW-2	8	5/1/03	nd	nd	nd	nd	0.16
West section Southwest wall, north of Hollywood building	SW-3	8	5/6/03	nd	nd	nd	nd	nd
Southwest wall, north of Hollywood Video	SW-4	11	5/7/03	nd	nd	nd	nd	0.55
Southwest wall in planter area	SW-5	8	5/7/03	nd	nd	nd	nd	nd

**Table-2 . Analysis of Gasoline and BTEX in Soil
Hollywood Video at Surprise Lake Square
816 Meridian E., Milton, Washington**

Sample Number ¹	Depth Feet (bgs)	Date Analyzed	BTEX ² (mg/kg)				Gasoline ³ mg/kg
			B	T	E	X	
MW6b 2.5-4	2.5-4	7/29/04	nd	nd	nd	nd	nd
MW6b 4-5.5	4-5.5	7/29/04	6.22	1.68	43.60	221.00	1290
MW6b 7.0-9.5	7.0-9.5	7/29/04	nd	nd	nd	1.49	nd
MW6b 9.5-11	9.5-11	7/29/04	nd	nd	nd	nd	nd
MW6b 11-18	11-18	7/29/04	nd	nd	nd	nd	nd
MW7 10-12.2	10-12.2	8/1/04	nd	nd	nd	nd	nd
MW8 10-12.5	10-12.5	8/1/04	nd	nd	nd	nd	nd
MW7 12.5-15	12.5-15	8/1/04	nd	nd	nd	nd	nd
MW7 2.5-5	2.5-5	8/1/04	0.24	0.70	5.11	8.55	69
MW8 2.5-5	2.5-5	8/1/04	0.28	0.98	1.53	2.55	34
MW7 5-7.5	5-7.5	8/1/04	0.08	0.51	2.15	9.70	50
MW8 5-7.5	5-7.5	8/1/04	3.95	4.21	9.01	23.70	286
MW7 7.5-10	7.5-10	8/1/04	1.13	1.45	8.15	16.40	141
MW8 7.5-10	7.5-10	8/1/04	nd	nd	nd	nd	nd
MDL			0.02	0.05	0.05	0.05	10
Method A			0.03	7	6	9	100

Notes:

¹Approximate sample location is shown in figure 1

²Analyzed by EPA 8260 or 8021B. B=benzene, T=toluene, E=ethylbenzene, X=xylene

³Analyzed by Washington State Department of Ecology method NWTPH-Gx

mg/kg - milligrams per kilogram

nd = not detected

MDL = Method detection limits

Bold indicates the detected concentration exceeds the MTCA Method-A levels