



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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October 15, 2013

MR. CHARLES DAVID DUNKIN III  
DUNKIN DIESEL SERVICE  
3219 BICKFORD AVENUE  
SNOHOMISH, WA 98290

**Re: No Further Action at the following Site:**

- **Site Name:** Dunkin Diesel Service
- **Site Address:** 3219 Bickford Ave., Snohomish, WA
- **Facility/Site No.:** 2752
- **VCP Project No.:** NW2635
- **Cleanup Site ID No.:** 4775

Dear Mr. Dunkin:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Dunkin Diesel Service 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?

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

**This opinion is based on information and data provided in the subsurface investigation report dated July 6, 2013. In response to Ecology's Further Action determination in an opinion letter issued April 5, 2013, the report documents work that has addressed Ecology's concern regarding contamination in the soil and groundwater at the Site.**

This opinion is also 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 releases:

- Total Petroleum Hydrocarbons-Diesel Range Organics and Heavy Oils (TPH-DRO and TPH-HO) in Soil.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcels 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. Aerotech Environmental Consulting Inc., July 6, 2013, Limited Phase II Targeted Subsurface Investigation.
2. Aerotech Environmental Consulting Inc., October 12, 2012, Voluntary Cleanup Program: Request for Additional Information and Clarification.
3. Dunkin Diesel Service, Inc., August 27, 2012, Summary of the Site Assessments and Cleanups Conducted in 1994 and 1998.

Those documents listed above 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](mailto: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**

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Ecology has concluded that **no further remedial action** is necessary to further clean up the contaminated soil at the Site. That conclusion is based on the following analysis:

#### **1. Characterization of the Site.**

Ecology has determined characterization of the Site is sufficient to establish cleanup standards, and select cleanup actions for removal of the contaminated soil and confirmation of the groundwater quality.

- a. On December of 1989, the City of Everett Public Works Department reported that waste oil had been directly discharged onto the ground surface during the facility's operations. In response to the report, four site assessments were conducted by various government agencies from 1991 through 2004. Those reports confirmed the occurrence of contamination in soil at this Site exceeding MTCA Method A cleanup levels in two locations, the former underground storage tank (UST) and the northeastern portion of the Site.
- b. In the opinion letter issued in April 2013, Ecology indicated that further cleanup action should be performed for removal and off-site disposal of the exceeding contamination in soil, full characterization of the soil contamination at those two locations at levels exceeding the MTCA A cleanup level, and determination of the contamination status for groundwater at this Site.

In compliance with Ecology's requirements, cleanup actions were conducted between May and June 2013 at this Site, which included over-excavation of the exceeding soils, soil sample collection for confirmation of removed soils, and groundwater analysis for the contamination status.

- c. A total of 30 soil samples and one groundwater sample were collected for laboratory analysis. The results indicated that there were no soil samples exceeding MTCA Method A cleanup levels for TPH-DRO and TPH-HO. Also, there were non-detectable levels in the groundwater sample for TPH in the gasoline range, TPH-DRO, TPH-HO and the MTCA five metals.

**2. Establishment of cleanup standards.**

**a. Substance-specific standards.**

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

Cleanup levels for soil contamination at this Site are defined as the MTCA Method A cleanup levels, which are classified as non-restricted land use.

Cleanup levels for groundwater contamination at this Site are defined as the MTCA Method A cleanup levels, which are classified as un-restricted land use.

**b. Action and location-specific requirements.**

The requirements to clean up this Site included removal and disposal of the contaminated soils exceeding the MTCA Method A for non-restricted land use, and determination of the groundwater quality which satisfied the MTCA regulations.

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

- a. Remediations were conducted to remove the exceeding contamination in soils and dispose of the materials at a regulated facility.
- b. Confirmation soil samples for laboratory analysis were collected at the excavation boundaries. The results indicated the contaminant concentrations were below the MTCA Method A cleanup levels for non-restricted land use.
- c. A groundwater sample collected at the former UST excavation indicated the groundwater quality had not been impacted by petroleum products or metals.

**4. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site at MTCA Method A cleanup level for GRO and other petroleum hydrocarbons. This determination is dependent on the performances specified below.

- a. The former USTs was removed and appropriately disposed of off-site.
- b. The petroleum hydrocarbon-contaminated soils exceeding MTCA Method A cleanup levels were excavated with an approximately one cubic yard and disposed at a regulated facility. The follow up confirmation analysis concluded that completion of the soil removal to below MTCA cleanup levels was achieved.
- c. Laboratory results indicated perched groundwater on the Site had not been impacted by the releases due to operation of the facility.

**Listing of the Site**

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Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Confirmed and Suspected Contaminated Sites List.
- Hazardous Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

### **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.**

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).

### **Termination of Agreement**

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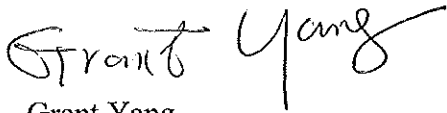
Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project #NW2676.

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 or the

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termination of the Agreement, please contact me by phone at (425) 649-7126 or e-mail at gyan461@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink that reads "Grant Yang". The signature is written in a cursive style with a large, sweeping "Y" and a long horizontal stroke at the end.

Grant Yang  
NWRO/Toxics Cleanup Program

Enclosure A - Site Description and Enclosure B - Site Diagrams

cc: Michael McGowan, Aerotech Environmental Consulting, Inc.  
19600 International Blvd, Suite 101, SeaTac, WA 98188

Sonia Fernandez, VCP Coordinator, Ecology, TCP/NWRO  
Dolores Mitchell, VCP Financial Manager, Ecology

## Enclosure A

### Site Description

This enclosure provides Ecology's understanding and interpretation of Site conditions and forms part of the basis for the opinion expressed in the letter.

**Site:** The VCP cleanup Site is located at 3219 Bickford Ave., Snohomish, Washington (Property) and consists of petroleum hydrocarbon contamination and metals in soil. The Property covers Snohomish County tax parcel no. 28050100201000.

**Area and Property Description:** The Property is a triangular-shaped, approximately 0.6 acre parcel of land, located within a commercially-zoned area. There is a building on the Property used for a diesel service shop known as Dunkin Diesel Service.

**Property History and Current Use:** The Site is currently occupied by an interconnected structure building that served as a diesel service shop. The Property was originally developed in 1966 with the construction of a 2,856-square foot building which was expanded to 5,176 square feet in 1983. In 1989, a complaint was filed alleging that waste oil had been inappropriately handled on the Property, which triggered multiple site assessments conducted by various government agencies.

**Source of Contamination:** Based on the assessment reports, the presence of petroleum hydrocarbons and metals was confirmed in soil at this Site. Impacts of these contaminants to the surface and subsurface soils occurred over time through releases from a former waste oil UST. In addition, surface spills and discharges directly on the ground contributed contamination to the soil as well.

**Physiographic Setting:** The Site is located on a broad plateau at an elevation of approximately 195 feet above mean sea level (MSL), about two miles north of the central historic district of the

City of Snohomish, and three miles southeast of central Everett. The Site is relatively level, with slight gradient toward Bickford Avenue to the west and a drainage ditch to the east, along the eastern perimeter of the Property. Low lying rolling hills characterize the subtle upland area situated between the two rivers, with elevations exceeding 300 feet, approximately 1,000 feet northeast of the Site.

**Surface/Storm Water System:** The closest surface water to the Site is Blackmans Lake, which is approximately one mile south. The Site lies in a poorly drained, irregular shaped topographic saddle area that narrows to the south where Bickford Road is located.

**Ecological Setting:** There is no terrestrial habitat within 500 feet of any part of the Site, which is surrounded by commercial land uses to the north, south and west, and property proposed for development on the east.

**Geology:** The Site and vicinity are dominated at the surface and at depth by the Vashon till, a dense unit characterized by poorly sorted materials. A thin veneer of Vashon Recessional Outwash deposits is present, which are suggested by well records to depths of 110 feet overlain the till at this Site.

**Groundwater:** The nearest water well log, was completed to a depth of 157 feet below the ground surface (bgs) at the location approximately 1,000 feet to west of the Site. The well log recorded a screened interval between 147 and 157 feet bgs. The static water level was at 119 feet bgs after installation, and 20 gallons of water were manually bailed over a period of one hour with a drawdown of two feet. This well withdraws water from a low vulnerability aquifer at depth with over 100 feet of low permeability clays and silts, which results as a considerable barrier to the vertical migration of rainwater, groundwater or contaminants discharged or infiltrating into the water supply system.



**Water Supply:** Public water supply is currently provided to the Site by the City of Snohomish. The nearest private well is located approximately 1,000 feet of the property.

**Releases and Extent of Soil Contamination:** Soil was contaminated due to releases from a waste oil UST and surface spills during operations of the Dunkin Diesel Service facility. From December 1989 to June 2013, various cleanup efforts were conducted at this Site, which included characterization of site contamination, removal of the UST, and over-excavation of the contaminated soils at concentrations exceeding MTCA cleanup levels. Results of the post soil cleanup sampling conducted in 2013 indicated that contamination in the soil was non-detectable or at concentrations below the MTCA Method A cleanup levels.

A groundwater sample collected from the perched water bearing zone contained non-detectable levels of the chemicals of concern designated for this Site. Therefore, it is unlikely the surface spill and other releases have impacted the groundwater quality at this Site.

Enclosure B

# Site Diagrams (Aerotech Environmental Consulting, August 2012)

