



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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November 27, 2013

Mr. Ric Bearbower  
Frick n Frack Holdings, Inc.  
PO Box 1010  
Silverdale, WA 98383

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

- **Name:** L & E Auto Sales
- **Address:** 227 Naval Ave & 2101 Burwell Pl, Bremerton, WA 98312
- **Facility/Site No.:** 14170
- **VCP No.:** NW2785
- **Cleanup Site ID No.:** 11943

Dear Mr. Bearbower:

Thank you for submitting documents regarding your proposed remedial action for the L & E Auto Sales facility (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:

- Total gasoline-range petroleum hydrocarbons (TPHg), total diesel-range petroleum hydrocarbons (TPHd), total oil-range petroleum hydrocarbons (TPHo), and benzene, toluene, ethylbenzene, and xylenes (BTEX) in Soil.

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



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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. DLH Environmental Consulting, *Phase II Environmental Site Assessment Activities, 2101 Burwell Place, Bremerton, WA 98312*. June 10, 2010.
2. DLH Environmental Consulting, *Underground Storage Tank Decommissioning and Final cleanup Report, 2101 Burwell Place, Bremerton, WA 98312*. January 12, 2011.
3. EnviroSound Consulting, Inc., *Final Cleanup Report, L&E Auto Sales Property, 2101 Burwell Place, Bremerton, WA 98312*. July 21, 2013.

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 sending an 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):

- Total gasoline-range petroleum hydrocarbons (TPHg), total diesel-range petroleum hydrocarbons (TPHd), total oil-range petroleum hydrocarbons (TPHo), and benzene, toluene, ethylbenzene, and xylenes (BTEX) in Soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. 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:**

- To determine a path forward for the Site, a Remedial Investigation (RI) report that summarizes all previous investigations and shows the nature and extent of contamination in all media must be provided. The RI must provide summaries of the former Site uses that could have resulted in releases, including a history of the use and locations of tanks and service areas. Cross-sections and plan-view graphics are needed to show the relationship of the Site contamination to current and former Site

features, parcel boundaries, Site geology, subsurface utilities, and points of compliance. Description and interpretation of geologic and hydrogeologic conditions for and in the vicinity of the Site is needed. Boring logs and test pit logs need to be included with the RI evaluation and appended to the RI.

Summary tables should include all compounds that have been detected in each media throughout the history of the Site, and the proposed cleanup level for each compound. An annotated outline of an RI Report is presented in **Enclosure B** to provide an understanding of Ecology's expectations for conducting and documenting the RI.

- A more complete description and interpretation of the geology at the Site and hydrogeology in the vicinity of the Site with appended boring logs or water well logs needs to be provided in the RI. This should include a discussion of subsurface utilities at the Site that could provide a preferential pathway for contaminant movement. This will assist Ecology in determining whether groundwater is a potential concern at the Site.
- The characterization of this Site is not complete. *Guidance for the Remediation of Petroleum Contaminated Sites*, Ecology Publication No. 10-09-057, September 2011 provides additional information regarding site characterization at petroleum release sites. At the gasoline tank excavation area, extensive soil contamination was encountered at depths between 8 feet below ground surface (bgs) and 12 feet bgs. However, the final limit of excavation sidewall soil samples were collected at 14 feet bgs or greater. Sidewall soil samples are required at the correct depth intervals to provide bounding data for the lateral extent of soil contamination. In addition, only one base sample was collected between the former tank locations. Because of the elevated concentrations of TPHg and BTEX beneath each tank, additional sampling is needed to establish vertical extent below the former tank locations. Sampling beneath the locations of the former dispenser islands is also required. Finally, there is no indication of why only TPHg and BTEX were analyzed for in samples collected in the vicinity of the three tanks. Was there some historical indication that only gasoline was stored in the tanks? If not, future samples should be analyzed for TPHd until TPHd can be eliminated as a potential contaminant of concern in this area of the Site.

The vertical and lateral extent of soil contamination at the former waste oil tank is similarly not clear. Soil sample ESC-B-SL02 appears to have been collected within the limits of the previous waste oil tank excavation backfill, and does not provide additional information on the extent of contamination north of sample 81910-N. In addition, this sample was collected above the bottom of the former excavation and does not provide the bounding data necessary to establish the vertical extent of contamination. Sample EXC-N-SL01 is not located within the depth range of contamination previously observed at the waste oil tank, and similarly does not

provide lateral bounding data north of the former waste oil tank. Field screening indications during excavation of test pits is not acceptable as bounding data for lateral extent of contamination. This is similarly true in the vicinity of boring B-1 where lateral extent samples are necessary in the contaminated zone identified at 6 feet bgs to define the extent of TPHd and TPHo. Complete Site characterization is a necessary prerequisite for determining an appropriate cleanup action and cleanup standards and to determine the adequacy of cleanup actions.

- The disposition of the soil excavated during test pit sampling is not indicated, nor is it clear that soil from the vicinity of the waste oil tank was included in the soils removed from the Site in 2010. Please indicate the disposition of the soils from the 2010 waste oil UST excavation and the test pits and include disposal records in an appendix.
- The history of the use of the Site including the location and status of the former dispenser islands and all service locations at the Site needs to be identified and fully described in the RI. Table C of the January 12, 2011, UST removal report indicates that additional product pipes were found associated with Tank 3. These pipes should be shown on figures and an explanation provided as to why sample 82310-PIPES was not analyzed.
- Soil samples should be analyzed according to Table 830-1 of the MTCA regulation and Table 7.2, page 95, in the *Guidance for the Remediation of Petroleum Contaminated Sites*, Ecology Publication No. 10-09-057, September 2011. The reports provided state that additional analyses including PCBs, VOCs, and metals were analyzed near the former waste oil tank at the Site. However, there is no documentation of such analyses in any of the reports provided. Further, the additional parameters listed on Table 830-1 of the MTCA regulation should be analyzed in the samples with the greatest TPH concentrations. If those soils have been removed from the Site, then a location and depth as close as possible to the former contamination should be collected and analyzed for the required parameters.
- A Terrestrial Ecological Evaluation (TEE) is required per WAC 173-340-7490 to determine if cleanup levels that are protective of terrestrial species are applicable to the Site.
- Before further work is completed, Ecology encourages the development of a work plan to insure that sufficient data for the soil and ground water is collected to avoid unnecessary expenditure of time and money.

**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**

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**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) 649-7257 or by email at [masa461@ecy.wa.gov](mailto:masa461@ecy.wa.gov).

Sincerely,



Maureen Sanchez  
Site Manager  
Toxics Cleanup Program

Enclosures: A: Description and Diagrams of the Site  
B: Remedial Investigation Outline

cc: Shawn Williams, EnviroSound Consulting, Inc.  
Sonia Fernandez, VCP Coordinator, Ecology

**Enclosure A**

**Description and Diagrams of the Site**

## Site Description

*This section provides Ecology's understanding and interpretation of site conditions, and is the basis for the opinions expressed in the body of the letter.*

**Site:** The Site is defined by TPHg, TPHd, TPHo, and BTEX releases to soil. The Site is located on Kitsap County tax parcel number 3778-005-001-0002 at 227 Naval Avenue & 2101 Burwell Place in Bremerton, WA (Property).

**Area and Property Description:** The Property is located within an area of mixed commercial and residential properties. The Property is located west of Naval Avenue, south of Burwell Place, and north of Burwell Street in Bremerton, WA, see **Figure 1**. Single family residences are located west and south of the Property. A KFC restaurant and a pub are located north and east of the Property.

**Site History and Current Use:** The Site is noted to have been previously used as a taxi cab stand, but the dates of this use are unknown. Historical aerial photograph review in 2010 indicated the former presence of three pump islands at the northeastern portion of the Property. Concurrent Kitsap County file review indicated that three USTs were present at the Property. Four USTs were removed from the Property in 2010. These included two 1,000-gallon steel tanks and one 2,000-gallon steel tank believed to have been used for gasoline storage, and one 250gallon steel UST used to store waste oil. One hydraulic lift was also identified near the former waste oil tank. The Property has one building that is reportedly vacant and a gravel parking area. Locations of Site features are shown on **Figure 2**.

**Sources of Contamination:** The sources of contamination at the Site are the USTs and associated product piping and dispensers. Contamination was not identified beneath the former hydraulic lift upon its removal. The source of heavy oil contamination in soil at boring B-1 is not clear.

**Physiographic Setting:** The Site is situated at an elevation of approximately 100 feet above mean sea level. The land surface in the Site vicinity slopes generally to the west.

**Surface/Storm Water System:** Storm water from the Property and adjoining properties likely flows to municipal storm drains. The nearest identified surface water body is Sinclair Inlet located approximately  $\frac{3}{4}$  mile south of the Site.

**Ecological Setting:** The Property located in a dense urban area, is paved with asphalt and gravel cover, and is surrounded by roadways and residential and commercial properties.

**Geology:** Soils at the Site are mapped as glacial till that typically consist of silty sand to sandy silt with gravel and lenses of sand, gravel, and silt. Soils described at the Site include approximately two feet of sandy backfill underlain by stiff to hard gray, sandy silt with clay to the total depth explored of 20 feet bgs.

**Groundwater:** Groundwater has not been identified in borings or excavations advanced at the Property to a total depth of exploration of 20 feet bgs. Depth to groundwater in the vicinity of the Site is unknown.

**Release and Extent of Contamination:** In 2010, historical research identified three likely dispenser island locations and the potential presence of three USTs at the Site. Six borings advanced at the Site indicated that TPHo was detected at concentrations greater than MTCA Method A soil cleanup levels at location B-1 (see **Figure 3**). In late 2010, two 1,000-gallon steel tanks and one 2,000-gallon steel tank were removed from one excavation at the northeast portion of the Property. One 250-gallon steel waste oil tank and one hydraulic lift were also removed from the former garage building (the garage was removed at the same time as the tank removals) in 2010. Soil samples collected from below each of the former gasoline tanks at depths of approximately eight to 12 feet bgs contained TPHg and one or more of the BTEX compounds at concentrations greater than MTCA Method A soil cleanup levels. One base sample was collected from the gasoline UST excavation at 14 feet bgs, but it was not located directly beneath any of the previous samples so does not confirm that the over excavation removed contamination above Method A. Sidewall samples from this excavation were not sampled at the correct depth interval (between approximately eight to 12 feet bgs) to determine the lateral extent of soil contamination.

The sampling locations within the Property are shown on **Figures 3 and 4**, which are included in the Site Diagrams.



## Site Diagrams



Map adapted from Kitsap parcel search 5/2013

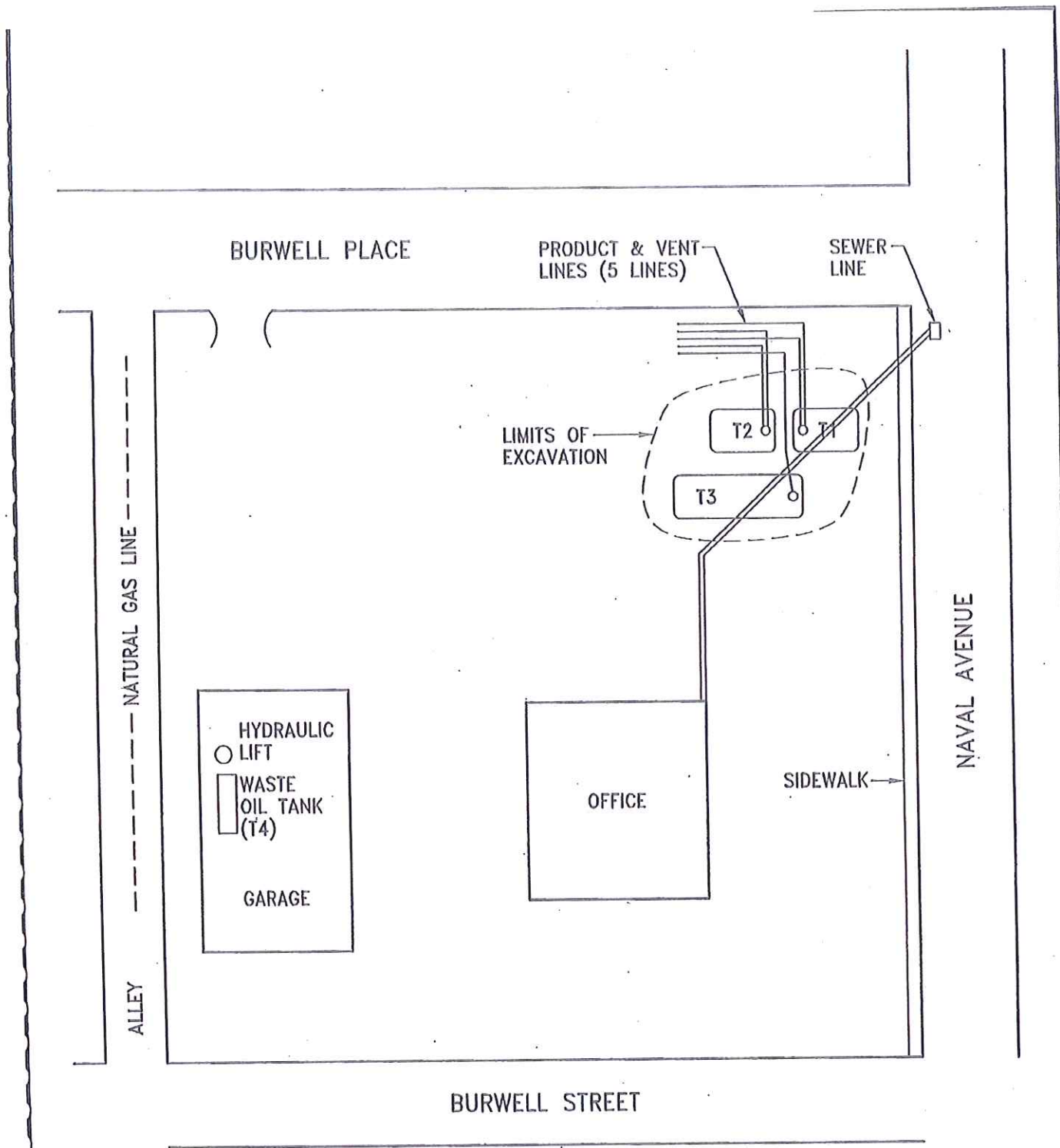
Not to Scale



**FIGURE 1. Vicinity Map**

Project Name: Burwell Place  
Location: Bremerton, Washington  
Project: ESC13-E002  
Client: Frick N Frack Holdings LLC  
Date: May 2013



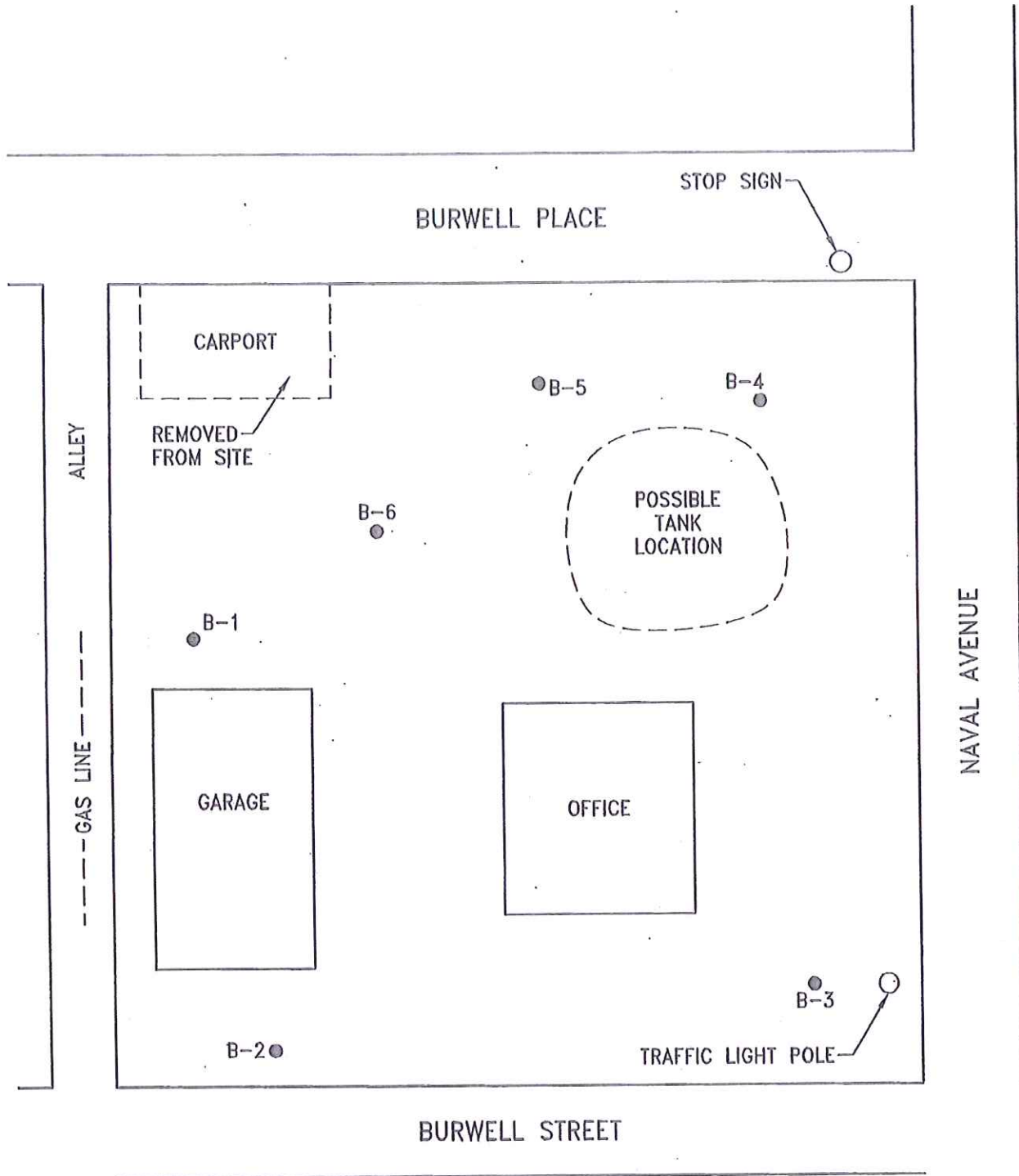


L & E AUTO SALES  
 2101 BURWELL PL.  
 BREMERTON, WASHINGTON

**DLH Environmental Consulting**  
 NOT TO SCALE

FIGURE 2  
 AUGUST 2010





L & E AUTO SALES  
 2101 BURWELL PL.  
 BREMERTON, WASHINGTON

● - BORING LOCATION

DLH Environmental Consulting  
 NOT TO SCALE

FIGURE 3  
 6/3/10



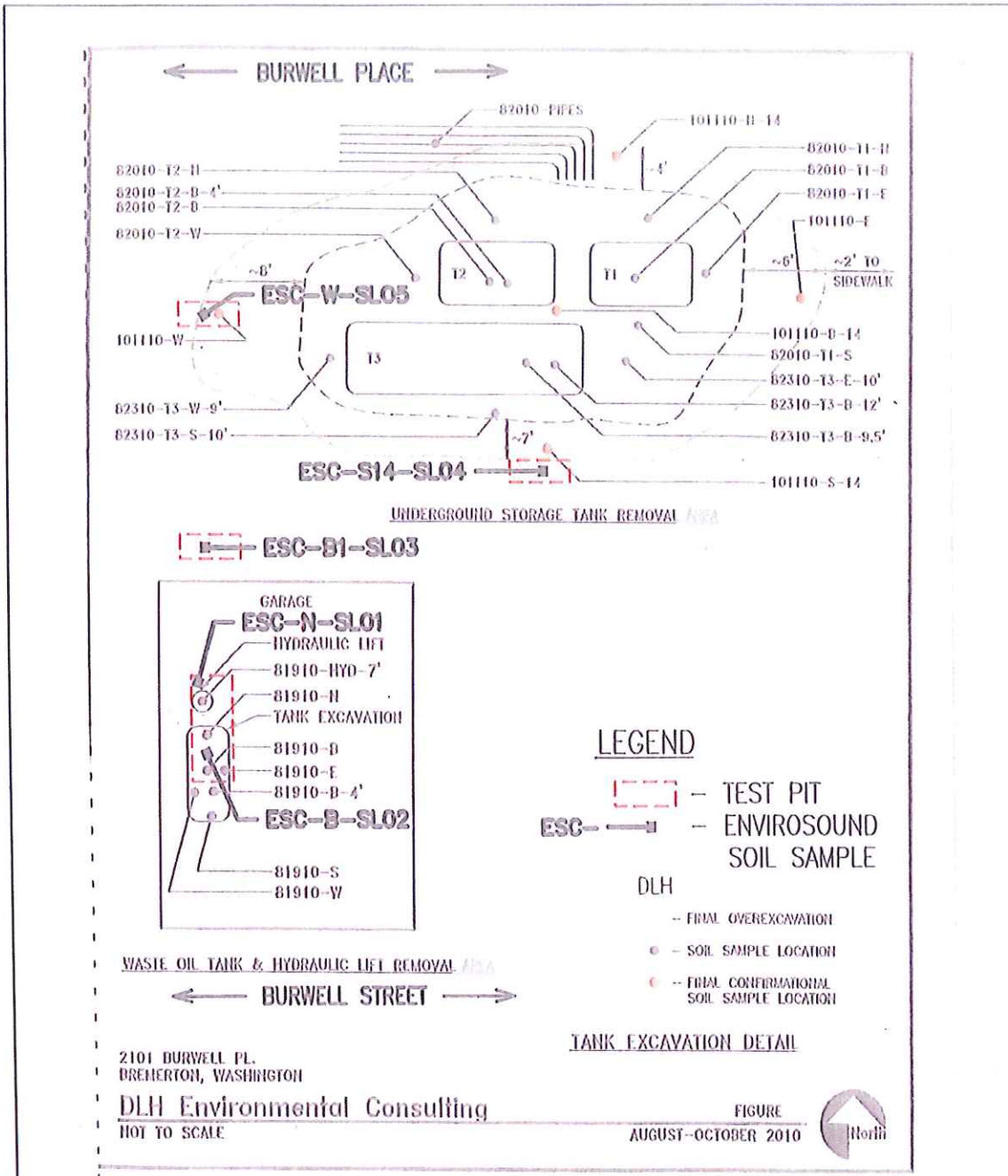


Figure Provided by DLH Environmental Consulting

Not to Scale



**FIGURE 4 Site Map**  
 Project Name: Burwell Place  
 Location: Bremerton, Washington  
 Project: ESC13-E002  
 Client: Frick N Frack Holdings LLC  
 Date: May 2013



**Enclosure B**

**Remedial Investigation Outline**

## **Outline for Remedial Investigation Report For Discussion Purposes**

*The following annotated outline is a suggested schematic for elements to be included in a Remedial Investigation report. It is not intended to replace MTCA's specific requirements as presented in 173-340-350(7) WAC.*

*The main purpose of the outline is to facilitate the preparation of a document that is clear, comprehensive, and to the point. A secondary, but important, purpose for this project is to make document preparation and review more efficient.*

### INTRODUCTION

*(concise, bulleted if possible)*

- Site name, VCP number, Name, address, and phone number of project consultant, Current owner/operator
- Purpose of document *(very brief restatement of what an RI is for, reference the WAC)*

### SITE IDENTIFICATION AND DESCRIPTION

*(focus on defining the site in the context of its' location)*

- Site discovery and regulatory status *(describe how the site was identified and where it is in the MTCA process)*
- Site and property location/definition *(define actual MTCA site location relative to property or study area)*
- Neighborhood setting
- Physiographic setting/topography

Figure – Vicinity Map *(preferably with topography)*

Figure – Property/Site Map *(preferably with topography)*

Appendix – Legal description of property, present owner and operator, chronological listing of past owners and operators

### PROPERTY DEVELOPMENT AND HISTORY

*(this section focuses on the built environment, both current and historical, and presents the sources of contamination and release mechanisms)*

- Past site uses and facilities
- Current site use and facilities
- Proposed or potential future site uses
- Zoning *(if appropriate)*
- Transportation/roads
- Utilities, water supply

- Potential sources of site contamination
- Potential sources of contamination from neighboring properties (*discuss nearby sources if known*)

Figure – Historical site features (*may be combined with Figure 2*)

Figure – Potential contaminant sources

Figure – Utilities (*may be combined with Figure 2*)

Table – Potential Contaminants

### ENVIRONMENTAL INVESTIGATION/INTERIM ACTION SUMMARY

*(Concise summary presentation of the investigations that have been done at the site, along with prior remedial actions. Focused mostly on figures and tables. Details of and methods used in former investigations and remediation in appendices)*

- Constituents of Concern (*brief discussion about which specific compounds were chosen for analysis and why*)
- Soil
- Surface water
- Ground water
- Sediment
- Air/soil vapor
- Natural resources/wildlife
- Cultural history/archeology
- Interim actions (*brief intro to prior remediation activities*)

Figure – Soil investigation data points (*show potential source areas*)

Figure – Surface water/groundwater investigation data points (*show potential source areas*)

Figure – Air investigation data points (*show potential source areas*)

Figure – Prior remediation activities

Table – Exploration Summary

Table – Analytical Schedule per media (*include analytical methods and reporting limits, as possible*)

Appendix – Previous Investigations (*detailed discussion goes here*)

Appendix - Exploration and sampling methodology (*may combine with Previous Investigations*)

Appendix – Boring/ Well logs

Appendix - Prior Interim Actions



## NATURAL CONDITIONS

- Geology  
(*focus on interpretation*)
  - Regional Setting (*brief*)
  - Property Geologic Conditions (*synthesis, not regurgitation of boring logs*)
  - Physical Properties (*unlikely to need this section, but in some cases may be useful to present data on soil adsorptive capacity, organic content, strength, etc.*)

Figure – Plan view of geologic unit distribution (*if helpful*)

Figure - Cross section A-A' (*show borings, wells, screened intervals, water levels*)

Figure – Cross section B-B' (*if necessary*)

- Surface Water  
(*brief description of the surface water system*)
  - Property drainage
  - Area surface water/floodplain issues
  - Regulatory classifications, if any (*e.g surface water classification*)

Figure – Surface water Conditions (*only if information not already in a prior figure*)

- Ground Water  
(*focus on interpretation, show on cross-sections*)
  - Occurrence (*aquifers, water levels, confinement, geometry, continuity, physical properties*)
  - Movement (*directions, gradient if important, seasonal fluctuations, tidal influence*)
  - Discharge
  - Recharge (*if significant for site*)
  - Regulatory classifications, if any (*e.g. sole source aquifer*)

Figure – Cross section with ground water information (*if not already included above*)

Figure – Water table/potentiometric surface maps (*for various seasons or tidal conditions, show surface water*)

Appendix – Ground water elevation data (*a table*)

- Natural Resources and Ecological Receptors  
(*preparatory to a TEE*)
  - Greenbelts and other natural habitat

- Wildlife
- Other Information required to conduct evaluations under -7491, -7492, or if necessary - 7493

Figure – showing natural areas, as appropriate

### CONTAMINANT OCCURRENCE AND MOVEMENT

*(brief text, mostly figures and tables, main point is to provide easy-to-understand figures showing the depth and breadth of contamination)*

- Waste Material (*sludges, fluids, stockpiles*)
- Soil
- Surface Water
- Ground Water
- Sediment
- Air/Soil Vapor

Figures – Cross sections showing soil contamination with depth

Figures – Plan views showing soil contamination across site (*relative to releases if known*)

Figures – Cross section showing ground water contamination with depth (*if appropriate*)

Figures – Plan views showing ground water contamination in each aquifer (*relative to soil contamination and P-head map*)

Figures – XY plots of specific contaminants with time (*as appropriate*)

Figures – Others as appropriate to show the distribution of surface water, ground water, or air data

Tables – All of the analytical data against final cleanup levels (*exceedances highlighted, no need to develop screening levels*)

Tables – Summary of exceedances (*if helpful*)

Appendix – QA report

Appendix – Analytical lab reports

### CONCEPTUAL MODEL

*(putting the whole story together, graphic illustrations are best)*

- Contaminant release/fate and transport/potential or actual receptors
- Data gaps (*is anything missing*)

### CLEANUP STANDARDS

*(developing appropriate cleanup standards based on receptors and pathways)*

- Soil
  - Reasonable maximum exposure
  - Cleanup levels protective of contact, ground water, inhalation, terrestrial species, surface water, sediment
  - Points of compliance
  - Regulatory classifications (*classification of soil as dangerous or solid waste*)
- Ground Water
  - Highest beneficial use/reasonable maximum exposure
  - Cleanup levels protective of potable use, inhalation, surface water, sediment
  - Points of compliance
- Other Media as appropriate
  - Cleanup levels protective of ....
  - Points of compliance

Table – Cleanup Levels (*all potentially applicable values with final selected cleanup level noted*)

#### AREAS REQUIRING CLEANUP

*(the final story detailing where the contamination exceeds an applicable cleanup standard, brief text, mostly tables, figures)*

- Constituents of Concern (*a brief summary of compounds that exceed cleanup levels or “indicator hazardous substances” under MTCA. For most service station sites, the COCs should be the same*)
- Soil – vertical and lateral
- Ground water – vertical and later
- Sediment –
- Surface Water
- Soil Vapor/air

Figures – Plan view and vertical sections of areas requiring cleanup

#### REFERENCES