



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

August 26, 2009

Mr. Bob Nehring
Silver Pines Partners LLC
3216 Wetmore, Suite 202
Everett, WA 98201

Re: No Further Action at the following Site:

- **Site Name:** Ray's Auto Wrecking
- **Site Address:** 2707 100th Street SE, Everett
- **Facility/Site No.:** 9575473
- **VCP Project No.:** NW2141 (formerly NW1783)

Dear Mr. Bob Nehring:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Ray's Auto Wrecking 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?

NO. Ecology has determined that no 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:

- Oil range total petroleum hydrocarbons (tph-o), carcinogenic polycyclic aromatic hydrocarbons (cPAH), cadmium, and lead into the Soil.



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

Please note that 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:

1. Draft Phase II Environmental Assessment, dated May 15th 2006, prepared by Terra Associates.
2. Summer Quarter Sampling, dated August 28th 2006, prepared by Terra Associates.
3. January 2007 Sampling, dated February 5th 2007, prepared by Terra Associates.
4. Phase II Environmental Assessment, dated March 12th 2007, prepared by Terra Associates.
5. April 2007 Sampling, dated May 3rd 2007, prepared by Terra Associates.
6. Cleanup Action Report, dated March 27th 2009, prepared by Terra Associates.

Those documents 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 425.649.7239.

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 **no 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 sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

2. Establishment of cleanup standards.

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

a. Cleanup levels.

The cleanup level established for the Site is MTCA Method A, Unrestricted Land Use for tph-o, lead and cadmium. The pathway the cleanup level is based on is; direct contact, ingestion and protection of drinking water.

The cleanup level for cPAH was established using the equivalent toxicity values contained in Table 708-2 of WAC 173-340-900.

b. Points of compliance.

Point of compliance is established as throughout the Site.

3. Selection of cleanup action.

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

Grid pattern sampling was performed throughout the property to determine where contamination exceeding MTCA Method A for Unrestricted Land Use was located.

Analysis determined that contamination was sporadic throughout the property and was located mostly within the top two to three feet of soil. Refer to the attached figure for location of sampling points and areas of contamination exceeding the Site's established cleanup level.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

The cleanup action performed at the Site was excavation of all soil that contained concentrations of contaminants above MTCA Method A for Unrestricted Land Use for tph-o, lead, and cadmium, and Table 708-2 for cPAH. Confirmational soil sampling was performed along all four sideways and the bottom of each excavation area to confirm compliance with the established cleanup levels.

Listing of the Site

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

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

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).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#NW2141, formerly NW1783).

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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 or the termination of the Agreement, please contact me at 425.649.4446.

Sincerely,



Dale R. Myers
Site Manager
NWRO Toxics Cleanup Program

dm/kp

Enclosures (1): A – Description and Diagram of the Site

cc: Mr. Charles Lie
Terra Associates, Inc
12525 Willows Road, Suite 101
Kirkland, WA 98034

Ms. Dolores Mitchell
VCP Financial Manager (without enclosures)

Enclosure A

Description and Diagram of the Site

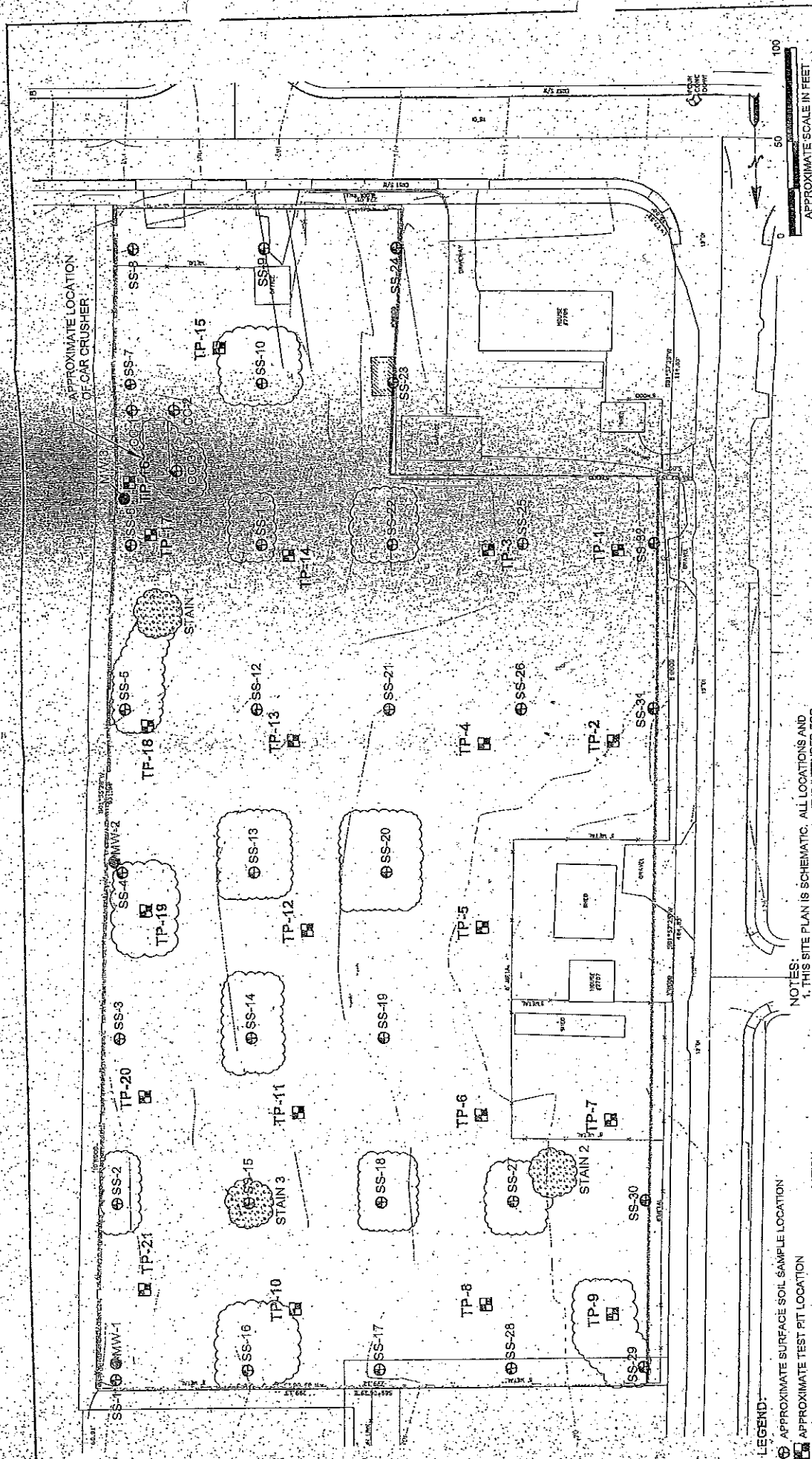
VCP ID# NW2141 Rays Auto Wrecking (Silver Pines) is located at 2707 100th Street SE, Everett. The property consists of one tax parcel (Snohomish County Tax Parcel 28051700402900) totaling 3.95 acres.

The wrecking yard was established on the property in the mid-1960s. Auto wrecking activities had ceased and all cars and scrap metal were removed from the property by late January 2007. Demolition of the existing single-family residence and office buildings was completed at the same time.

Soil borings conducted in 2006 and 2007 to a depth of approximately 20 feet below surface indicate soil beneath the property consists of dense till within approximately five feet of the existing grade. Soil analysis was performed utilizing a grid pattern to determine where contamination exceeded MTCA Method A for Unrestricted Land Use. Most of the contamination was found to lie within the top two to three feet of the Site.

Depth to ground water varies from 10 to 12 feet below surface. The hydraulic gradient was generally in a westerly direction. Groundwater was determined to have not been impacted.

Approximately 3,000 tons of contaminated soil were excavated and removed from the Site. Confirmation soil sampling was performed to confirm compliance with the established cleanup levels for the Site.



- LEGEND:**
- ⊕ APPROXIMATE SURFACE SOIL SAMPLE LOCATION
 - ⊕ APPROXIMATE TEST PIT LOCATION
 - ⊕ APPROXIMATE CAR CRUSHER SOIL SAMPLE LOCATION
 - ⊕ APPROXIMATE MONITORING WELL LOCATION
 - ⊕ APPROXIMATE VISIBLE SURFACE STAIN LOCATION
 - ⊕ APPROXIMATE LOCATION OF AREA REQUIRING REMEDIAL ACTION BASED ON VISUAL OBSERVATIONS, AND ANALYTICAL TESTING
 - ⊕ APPROXIMATE LIMIT OF SOILS SUSPECTED OF BEING DANGEROUS WASTE

NOTES:

1. THIS SITE PLAN IS SCHEMATIC. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE. IT IS INTENDED FOR REFERENCE ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.
2. ORIGINAL DOCUMENT CONTAINS INFORMATION PRESENTED IN COLOR. GRAYSCALE COPIES MAY NOT CONTAIN ALL INFORMATION ON ORIGINAL COLOR COPY.

REFERENCE:
SITE PLAN PROVIDED BY CLIENT

Terra Associates, Inc.
 Consultants in Geological Engineering
 and
 Environmental Earth Sciences