



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
August 16, 2007

Mr. Ty Schreiner
Kennedy/Jenks Consultants
32001 32nd Avenue South, Suite 100
Federal Way, WA 98001

**Re: No Further Action Determination under WAC 173-340-515(5) for the following
Hazardous Waste Site:**

- Name: Joseph Simon & Sons Kent
- Address: 917, 1025 South Central Avenue, Kent, WA 98032-3045
- Facility/Site No.: 83334411
- VCP No.: NW1079

Dear Mr. Schreiner:

Thank you for submitting your independent remedial action report for the Joseph Simon & Sons Kent facility (Site) for review by the State of Washington 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 whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. 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 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 the Site:

1. June 1, 2007, Shallow Groundwater Investigation, Joseph Simon and Sons Site, Kennedy/Jenks Consultants
2. March 16, 2007, Groundwater Monitoring Report, Kennedy/Jenks Consultants

Completion Date: August 16, 2007



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3. March 5, 2007, Data Validation, Joseph Simon & Sons, Kent, Washington, Kennedy/Jenks Consultants
4. December 2006, Independent Remedial Action Report, Kennedy/Jenks Consultants
5. May 26, 2005, Remedial Action Plan, Kennedy/Jenks Consultants
6. March 2005, Remedial Investigation Report and Feasibility Study, Joseph Simon & Sons Site, Kennedy/Jenks Consultants
7. July 23, 2003, Supplemental Remedial Investigation/Feasibility Study Work Plan, Joseph Simon & Sons Property, Kennedy/Jenks Consultants
8. January 9, 2002, Site Data Summary and Preliminary Hazard Assessment, Kennedy/Jenks Consultants
9. March 1996, Phase I/Phase II Environmental Site Assessment, Kennedy/Jenks Consultants

The documents 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, Sally Perkins, at (425) 649-7000.

The Site is defined by the extent of contamination caused by the following release(s):

- Diesel- and oil-range petroleum hydrocarbons, antimony, arsenic, cadmium, lead, mercury, carcinogenic PAHs, PCBs in Soil;
- Diesel- and oil-range petroleum hydrocarbons, arsenic in Ground Water

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 the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary at the Site under MTCA.**

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Based on this no further action determination, Ecology will update the status of the Site on its site database and initiate the process for removing the Site from the Hazardous Sites List (HSL). Before deciding to remove the Site from the HSL, Ecology must first provide the public with notice and an opportunity to comment. If the Site is removed from the HSL, the Site will also be removed from the Confirmed and Suspected Contaminated Sites Lists.

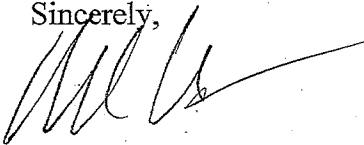
This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Joseph Simon & Sons.

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 and further remedial action may be required at the Site.

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 successfully completing cleanup under the VCP. If you have any questions regarding this opinion, please contact me at (425) 649-7107.

Sincerely,



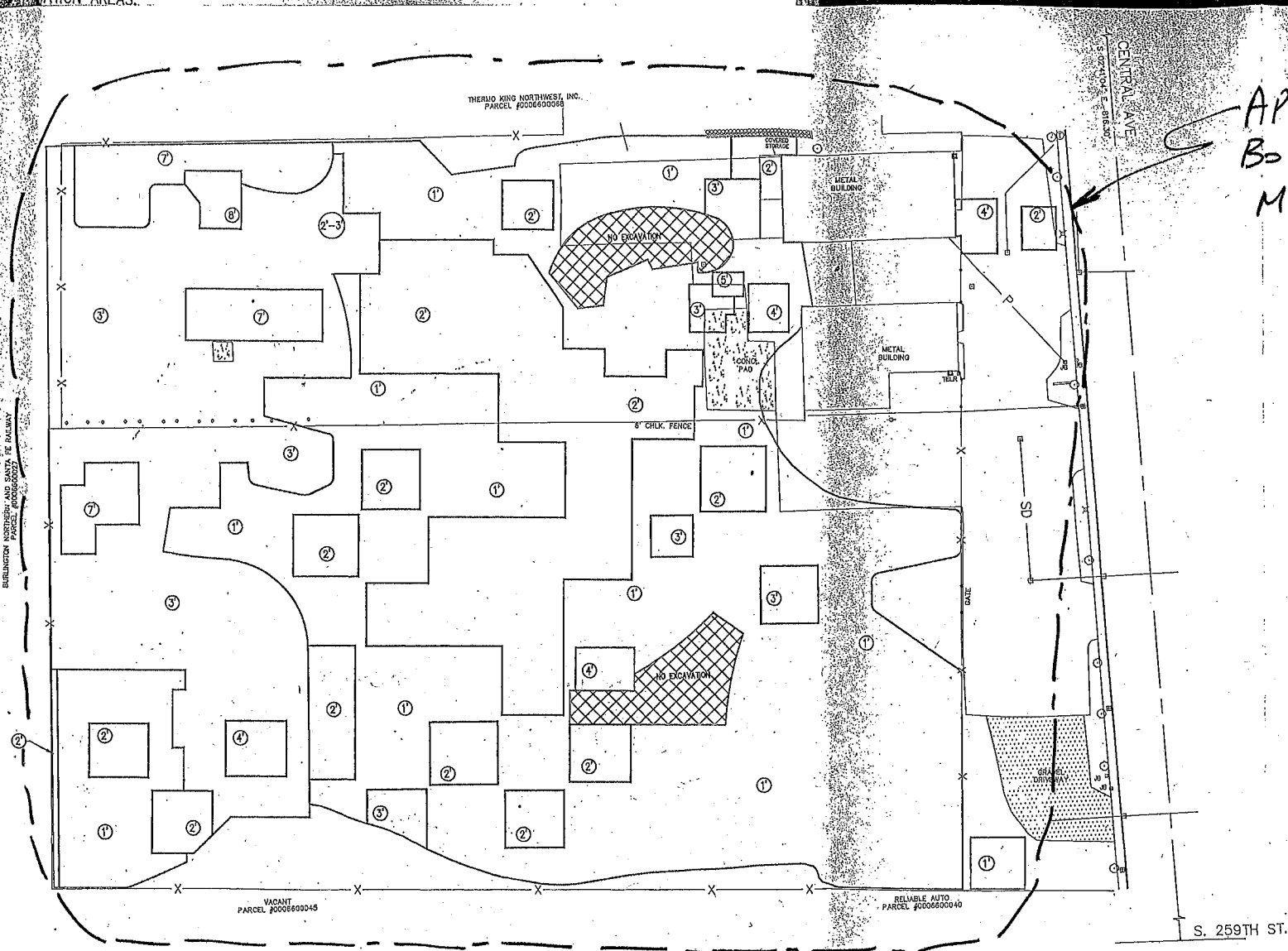
Mark Adams
Toxics Cleanup Program

ma/nr

Enclosure: A – Includes two figures

Figure 2/2

PER TO FIGURE 5 FOR PERFORMANCE MONITORING SOIL
ATION AREAS.



APPROXIMATE
BOUNDARY OF
MTCA SITE

LEGEND:

- 1' FINAL EXCAVATION AREAS AND DEPTH.
- 2'-3' FINAL EXCAVATION AREAS AND DEPTH.
- 4'-5' FINAL EXCAVATION AREAS AND DEPTH.
- 6'-8' FINAL EXCAVATION AREAS AND DEPTH.
- ③ - DENOTES EXCAVATION DEPTH IN FEET.

NOTE:

- 1. ALL LOCATIONS ARE APPROXIMATE.

S. 259TH ST.

Kennedy/Jenks Consultants

JOSEPH SIMON & SONS
KENT, WASHINGTON

FINAL EXCAVATION AREA AND DEPTH MAP

036014.01\036014.01-FIGURE-3

FIGURE 3



The map is a topographic representation of a region in Kent, Ohio. It features a grid of streets and a contour line indicating elevation. The 'SITE LOCATION' is marked with an arrow pointing to a specific area. Other labels include 'Kent', 'Thomas', 'Meredith', 'Kent Creek', 'North Green', 'Green', 'Drive-in Theaters', 'Substation', and 'Caviness'. The map shows a grid of streets and a contour line indicating elevation.

FIGURE 1

Cleanup/Decision Summary

Site Name: Joseph Simon & Sons Kent

FS ID #: 83334411

VCP #: NW1079

Site Decision (attach letters): No Further Action

1. Site Description (include site address with street, city, and county; physical description; current and historical uses of site; etc.):

This site comprises most of a 6.2-acre property formerly used as an auto wrecking yard. The property is divided into two lots located at 917 and 1025 South Central Avenue in Kent, Washington, 98032-3045, in King County.

The two lots were farmland until the early 1960s, and were then used as automobile wrecking/metal scrap storage yards until the 1980s. They were subsequently used for storage of various materials and for truck trailer parking. Land use in the vicinity has been similar, including a former wrecking yard (Atomic Auto Wrecking) abutting the south property line. An active BNSF rail corridor abuts the property on the west.

The property and surrounding area is near the eastern edge of the Green River valley. The valley surface is flat lying, and the near surface soils consist of 1 to 4 feet of gravel fill overlying recent alluvial sediments. Before remediation took place, the gravel fill contained miscellaneous automotive debris, along with broken up bricks and concrete.

The Green River itself passes within ¼ mile of the site, flowing to the west. There are no ditches on or near the site; surface water apparently infiltrates or is captured in storm drains along South Central Avenue.

The primary aquifer at the site occurs beneath a widespread layer of silty clay at a depth of about 10 feet bgs and is under slightly confined conditions. This aquifer is part of the alluvial aquifer filling the Green River valley. A thin water bearing zone exists seasonally above the clay layer. The depth to water, as measured in ground water monitoring wells at the site, is about 9 feet below ground surface (bgs), with about 4 feet of seasonal variation. Water elevation measurements obtained from the wells indicate ground water flow is predominantly to the northeast, but varies across the site to the west and north depending on the season. There is some doubt about the water elevation data since most of the wells are screened across the clay layer; however they are probably sufficient to indicate general flow direction. One oddity of the flow regime is that none of the existing wells are truly upgradient, and no location at the property can be considered upgradient. Another artifact of the well design is that the water quality in the wells may represent some fraction from the overlying water bearing zone. These wells are therefore providing a more conservative estimate of water quality in the main aquifer.

2. Describe affected media (soil, groundwater, surface water, sediment, air):

Near-surface soils across almost the entire property contained a variety of contaminants exceeding MTCA Method A or B CULs. Concentrations were typically highest in the upper 1 to 2 feet. Contaminants included:

- Metals – antimony, arsenic, cadmium, lead, mercury
- Petroleum hydrocarbons – diesel and oil range hydrocarbons
- Carcinogenic PAHs.
- PCBs

Arsenic, cadmium, and lead concentrations were sufficiently high in some areas of the site as to designate as Dangerous Wastes. Of these metals, lead was the most widespread.

Ground water at the site was initially thought to be impacted by various metals (arsenic, cadmium, chromium, mercury, lead, thallium, zinc, nickel). However, most of the MTCA CUL exceedances occurred in samples with total metals analysis, and specifically in samples collected from reconnaissance geoprobes. Dissolved metals analyses showed no exceedances, except for arsenic (discussed below).

Diesel- and oil-range hydrocarbons were also detected in ground water at maximum concentrations of 917 ppb and 1,150 ppb, respectively. One other compound, 1,2 dichloropropane, was detected consistently in well MW7 at concentrations above the MTCA Method B CUL.

3. Cleanup method used:

☒ Method A

☒ Method B (Attempted to utilize Method B Worksheet)

☐ Method C

4. Describe cleanup activities (for each media) and if contamination remains on-site (including conformational sampling/analysis, points of compliance, etc...):

The cleanup took place from August to December 2005. It involved excavation of surface soil from across most of the property. Excavation depth was typically 1 to 2 feet, but was as deep as 7 feet in a few areas. The excavation areas and depths were initially laid out based on RI data, and were modified as the excavation proceeded based on confirmation and performance sampling. A total of 294 final performance monitoring samples were collected for analysis. Most were analyzed for gas-, diesel-, and oil-range hydrocarbons, 13 metals, PCBs, and PAHs. Analytical results from these samples were all below MTCA Method A or B CULs.

One abandoned 500-gallon UST was encountered during the soil excavation process. It was removed, and sidewall/base soil samples obtained from the UST pit for testing.

These samples were tested for the usual performance suite, plus BTEX. The results indicated no release from the UST.

Following completion of the soil excavation, ground water monitoring was conducted quarterly in eight wells for one year. Ground water samples were analyzed for TPH ranges, total and dissolved metals, and VOCs. PCBs and PAHs were also analyzed in the first round. Only arsenic (dissolved) and 1,2 dichloropropane were detected at concentrations above the MTCA Method A or B CUL. These detections were in one well (MW-7), except for a one-time arsenic exceedance in MW-2 (5.7 ppb versus MTCA A 5.0 ppb).

MW-7 is located in a paved parking area next to South Central Avenue and outside the fenced boundary of the auto wrecking yard. It is also outside the soil excavation area, and away from areas where arsenic was elevated in soil. These observations, coupled with the fact 1,2 dichloropropane has never been detected in any other well or in any soil sample at the property, indicates that the ground water contamination at MW-7 is from a different source, not associated with this site.

I have concluded soil and ground water at the Simon site are now "clean", and that a separate site exists associated with MW-7.

5. Describe restrictive covenant (e.g., contamination remains under structure, groundwater restrictions, 5-year review):

N/A

6. Indicate if site to be delisted and EEOS contact (only for HSL sites):

Yes

7. Policy 840 Compliance: EIM DATA Submitted: Yes: XX No:

MA MARK ADAMS, SITE MANAGER 7/30/07

Signature, Title, and Date

Raymond Hickey VCP coord. 8-16-07

Signature, Title, and Date

Russell E. Ohm VCP Supervisor 8-16-07

Signature, Title, and Date

Signature, Title, and Date