



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 21, 2015

Mr. Greg Rairdon
PO Box 2879
Kirkland, WA 98083

Re: Further Action at the Following Site:

- **Site Name:** Burien Honda
- **Site Address:** 15026 1st Avenue South, Seattle, WA
- **Facility/Site No.:** 59359661
- **Cleanup Site ID No.:** 9839
- **VCP Project No.:** NW2922

Dear Mr. Rairdon:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Burien Honda 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 releases:

- Total Petroleum Hydrocarbons-Gasoline Range Organics (TPH-GRO) in Soil and Ground Water.



Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

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

1. E3RA, Inc., Remediation Closeout Report, April 17, 2014.

This document is 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.

This opinion is void if any of the information contained in this document 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 select a cleanup action.

Contamination of TPH-GRO in ground water due to releases at two underground storage tanks (UST) and operation of the facility is confirmed by samples with concentrations exceeding MTCA Method A cleanup level. However, the contaminant plume in ground water was not fully characterized during the Phase II Site Assessment. A supplemental site study should be conducted to characterize nature and extent of contamination in soil and ground water.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site do not meet the substantive requirements of MTCA.

a. Cleanup levels.

Soil

The Site is located in a mixed-use commercial and residential area. Therefore, soil cleanup levels suitable for unrestricted land use are appropriate for this Site. MTCA

Method A cleanup levels for unrestricted land use were selected for this Site, which are protective of the direct contact and leaching pathways to contaminate ground water.

This Site is qualified for a Terrestrial Ecological Evaluation (TEE) exclusion based on the absence of more than 1.5 contiguous acres of undeveloped land on or within 500 feet of any area of the Site in accordance with WAC 173-340-7491(1(c)). Land use at the Site and surrounding area makes substantial wildlife exposure unlikely.

Ground Water

The MTCA Method A ground water cleanup levels were deemed applicable and appropriate for this Site. The clean levels were established for ground water based on its use as a potential drinking water source.

b. Points of compliance.

Soil

The point of compliance for soil is based on the protection of ground water and it is applied Site wide throughout the soil profile, which extends below the water table.

Ground Water

The point of compliance for ground water is throughout the Site from the uppermost level of the saturated zone extending vertically and horizontally to the lowest depth which could potentially be affected.

3. Selection of cleanup action.

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

In 2013, approximately 1,800 cubic yards of contaminated soil were excavated after the two USTs (500-gallon waste oil and 3,000-gallon gasoline) were decommissioned and removed from the Property. The analytical results of soil samples collected from bases and sidewalls of the two excavations indicated the concentrations of chemicals of concern (COCs) were below MTCA Method A cleanup levels.

The Phase II Site Assessment conducted in 2013 also revealed ground water at the Site is impacted by petroleum hydrocarbons. Contamination in ground water was detected at concentrations exceeding MTCA Method A cleanup levels. However, the assessment did not characterize the nature and extent of the contaminant plume.

4. Cleanup.

Ecology has determined the remedial efforts you performed do not meet the defined cleanup standards at the Site. At completion of the interim action, the status of the contaminated ground water remained unknown.

Ground water on the Site should be fully characterized. A detailed narrative with appropriate tables and figures should be included in the ground water sampling report. To obtain Ecology's No Further Action determination, the conditions listed below shall also need to be met:

- COCs in ground water are cleaned up to below MTCA Method A cleanup levels if further assessment indicates any exceedance. And, analytical results should demonstrate contamination below the cleanup levels with a minimum of four consecutive quarterly monitoring events.
- The following data and information should be provided to Ecology to complete the Site review:
 - (1) Submittal of Phase I and II Environmental Site Assessment Reports.
 - (2) Description of undeveloped land in Site vicinity; completion of TEE or documentation of a TEE exclusion.
 - (3) Provide information and data regarding the area and Property description; Property history and current use; Site physiographic setting; surface/storm water System; geology and potable water supply.

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).

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December 31, 2014
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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.

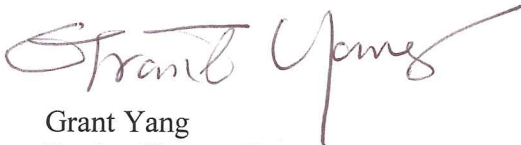
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (425) 649-7126 or e-mail at gyan461@ecy.wa.gov.

Sincerely,



Grant Yang
Toxics Cleanup Program

cc: Casey Lowe, E3RA
Sonia Fernandez, VCP Coordinator, Ecology