



VCP drawer

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 19, 2010

Bryan Taylor
Delta Consultants
4006 148th Ave NE
Redmond, WA 98052

Re: No Further Action at the following Site:

- **Site Name:** Circle K 05535 BP
- **Site Address:** 14002 NE 175th Street, Woodinville, WA
- **Facility/Site No.:** 2517
- **VCP Project No.:** NW2285

Dear Mr. Taylor:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Circle K 05535 BP facility (the Site), also known as Former Exxon Station #7-0036. 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 potential releases:

- Total petroleum hydrocarbon as diesel (TPH-D), ethylbenzene, xylenes, and lead into the Ground Water.



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

Please note 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. Delta Consultants, *Voluntary Cleanup Program Application, ConocoPhillips (COP) Site No. 2705535, 14002 NE 175th Street, Woodinville, Washington*, April 22, 2010.
2. Stantec Consulting Corporation, *Subsurface Investigation*, December 23, 2008.
3. ATC Associates, Inc., *Due Diligence Site Assessment Report*, January 25, 2008.
4. Washington State Department of Ecology (Louise Bardy), letter re: Independent Remedial Action Report Former Exxon Station #7-0036 14002 NE 175th, Woodinville, WA, January 4, 1995.
5. Seacor, *Final Independent Remedial Action Report*, August 25, 1994.
6. Seacor, Quarterly Monitoring and Status Reports (5 reports total), 1992-1993.
7. Seacor, *Subsurface Investigation*, March 6, 1992.

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) 649-7190.

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.

Future site plans could include businesses to which the public has access, so unrestricted land use is the appropriate basis for development of soil cleanup levels. The following potential exposure/risk pathways were appropriate to consider:

- Human health protection from direct soil contact pathway exposure
- Human health protection from soil-to-groundwater pathway exposure
- Human health protection from soil-to-air pathway exposure
- Human health protection from soil-to-surface water pathway exposure
- Human health protection from ground water ingestion exposure pathway
- Human health protection from ground water-to-air exposure pathway
- Human health protection from ground water-to-surface water exposure pathway
- Terrestrial ecological protection

Because the site has relatively few contaminants, Method A can be used to develop cleanup levels for the Site contaminants of concern.

Appropriate soil cleanup levels are the WAC 173-340 Method A Table 740-1 values of 30 mg/kg for TPH – GRO, 0.03 mg/kg for Benzene, 7 mg/kg for Toluene, 6 mg/kg for Ethylbenzene, 9 mg/kg for Xylenes, 250 mg/kg for Lead, and 2,000 mg/kg for TPH-D.

Appropriate groundwater cleanup levels are the WAC 173-340 Method A Table 720-1 values of 800 ug/l for TPH – GRO, 500 gu/l for TPH-D, 5 ug/l for Benzene, 1,000 ug/l for Toluene, 700 ug/l for Ethylbenzene, 1,000 ug/l for Xylenes, and 15 ug/l for lead.

The point of compliance for soil is throughout the site, which is a standard point of compliance.

The point of compliance for groundwater is throughout the site, which is a standard point of compliance.

3. Selection of cleanup action.

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

The remedial action selected to investigate the potential release (which was discovered by grab sampling the ground water via soil borings) was sampling the ground water via properly installed monitoring wells.

4. Cleanup.

Ecology has determined the Site meets cleanup standards.

The sampling to investigate the recent (2007) potential release consisted only of one ground water monitoring event for three wells. In cases where impact to ground water has been confirmed, Ecology typically requires at least four quarters of ground water monitoring meeting cleanup standards. However, in this case, due to the greater reliability of results from monitoring wells compared to ground water grab samples, due to the low concentrations from the monitoring well sampling, and due to the previous review conducted, Ecology finds the investigation of the recent potential release sufficient. Ecology concludes that additional ground water monitoring is not required at this time.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our 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.

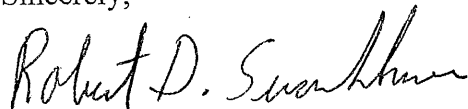
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (#NW2285).

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 Glynis Carrosino by phone at (425) 649-4422 or e-mail at gcar461@ecy.wa.gov.

Sincerely,



Robert D. Swackhamer, PE
NWRO Toxics Cleanup Program

rs/kp

By certified mail 7009 2820 0001 7154 5218

Enclosure: A – Description of the Site

cc: Hamilton Tran, Pacific Convenience and Fuels

Site Description

The Site is defined by the extent of petroleum and lead releases occurring at 140002 NE 175th Street, Woodinville, Washington. An operating gas station is located on the Property.

Surrounding land use is predominantly commercial. The Site elevation is approximately 75 feet above sea level and generally slopes down towards the southwest. The Property is on the east edge of the Sammamish River Valley at its junction with the Little Bear Creek Valley.

The lithology underlying the Site generally consists of silty sand with lenses of clayey sand and gravelly sand from the ground surface to approximately 35.5 feet below ground surface, the maximum extent of exploration.

An unnamed creek is located approximately 700 feet south of the Site.

Groundwater was encountered at a depth of 24 to 27 feet below ground surface. Groundwater moves toward the west or southwest.

Site History

As part of a 1992 real estate transaction, a subsurface investigation encountered hydrocarbon impacts in soil and lead impacts in groundwater. Ground water was monitored during the period 1992-1994, although no tank removal or other active cleanup was conducted.

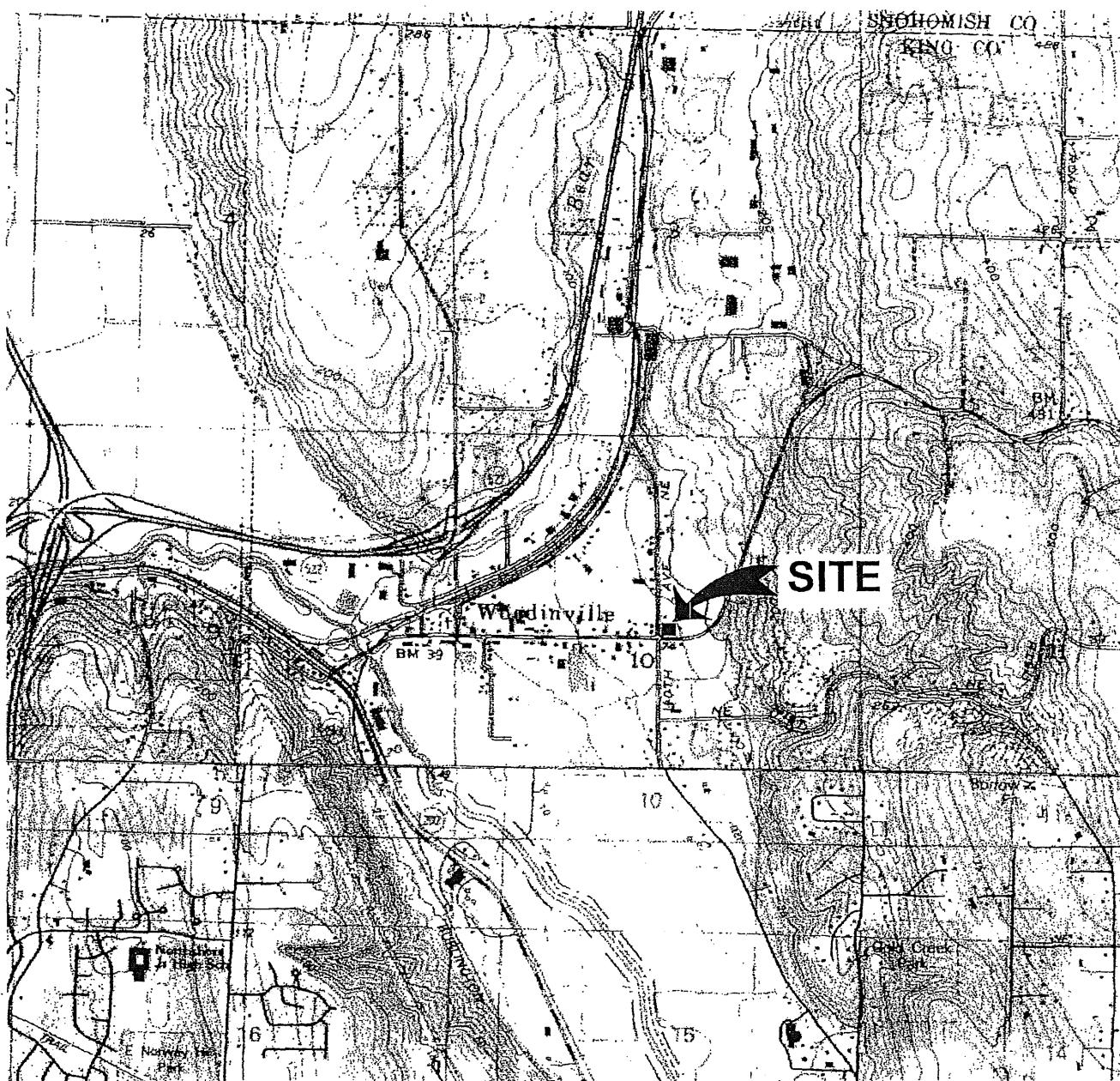
Ecology in 1995 issued a letter stating no further remedial action was required at the site, based on the information available at that time. The letter said the levels of total lead in ground water exceeding MTCA Method A cleanup levels may be caused by the natural lead content of particles suspended in the samples because dissolved lead was not detected.

A 2007 subsurface investigation conducted as part of a potential real estate transaction showed both lead and TPH-D exceeding MTCA Method A cleanup levels in grab samples of ground water taken from soil borings. However, a subsequent sampling of monitoring wells installed in the same areas did not show any exceedances of Method A cleanup levels. Properly installed monitoring wells generally are considered to produce more valid results than grab samples taken from soil borings.

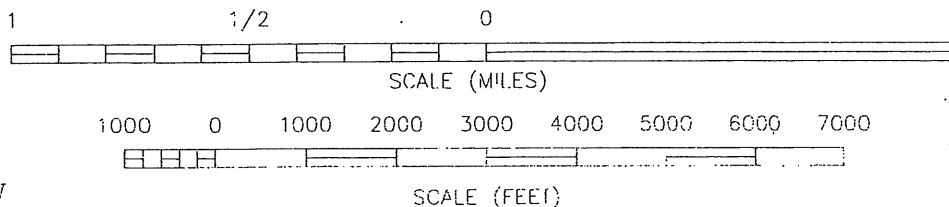
The sampling of the monitoring wells consisted only of one ground water monitoring event for three wells. In cases where impact to ground water has been confirmed, Ecology typically requires at least four quarters of ground water monitoring meeting cleanup standards. The ground water monitoring did not detect TPH-D and detected lead up to 17 % of the cleanup level. Xylenes were detected in all three wells at levels approximately one percent of cleanup levels. Ethylbenzene was detected in one well at a concentration slightly over one percent of the cleanup level.

Bryan Taylor
October 19, 2010
Page 3

Site Diagrams



WASHINGTON



REFERENCE: USGS 7.5 MINUTE QUADRANGLE; KINGSGATE, WASHINGTON, 1992

No warranty is made by Stantec as to the accuracy, reliability, or completeness of these data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed electronically, and may be updated without notification. Any reproduction may result in a loss of scale and/or information.



Stantec

12034 134th COURT NE, SUITE 102
REDMOND, WASHINGTON
PH (425) 372-1600/FAX (425) 372-1650

FOR:

ConocoPhillips

FACILITY 2705535 (RM&R 5046)
14002 NORTHEAST 175th STREET
WOODINVILLE, WASHINGTON

JOB NUMBER:

01DD.05046.03

DRAWN BY:

DJH/RAR

CHECKED BY:

AD

APPROVED BY:

KH

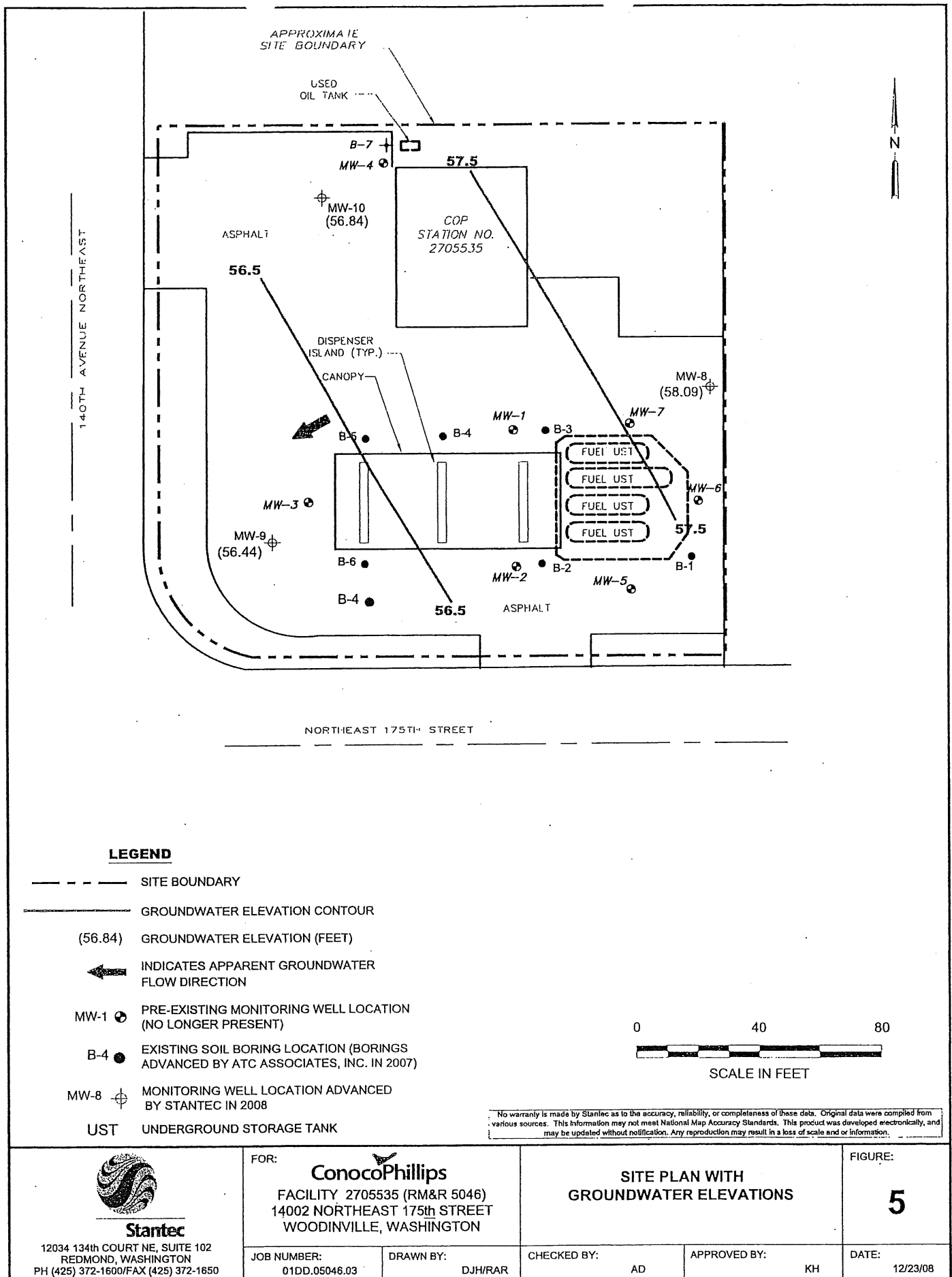
FIGURE:

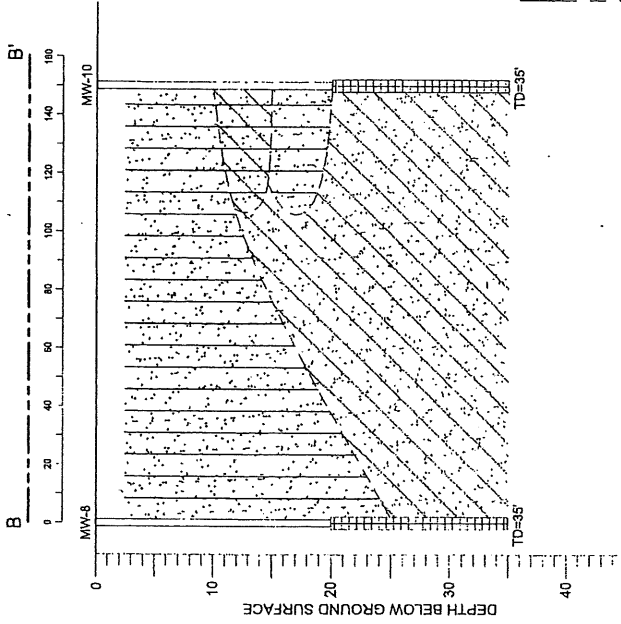
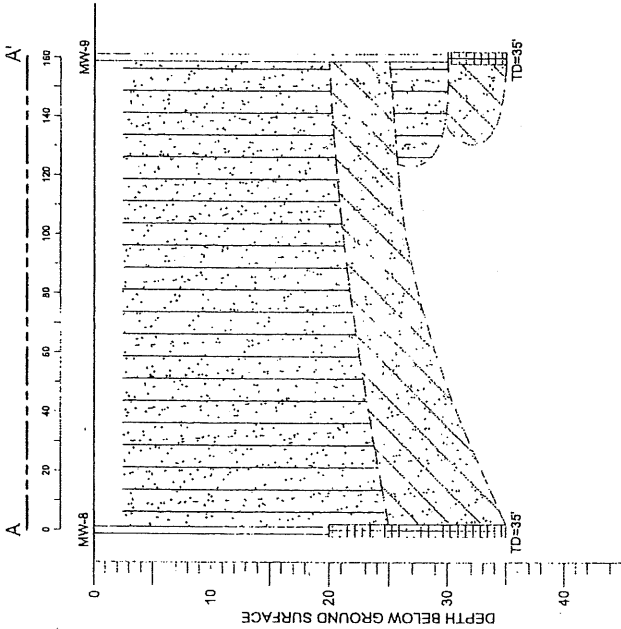
1

DATE:

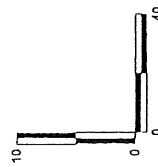
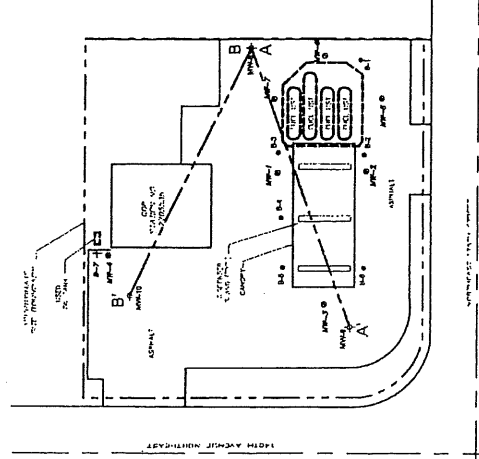
12/23/08

FILEPATH:Q:\CADD-37\client\ConocoPhillips\Project\01DD\2705535_Woodinville\Assmnt\Rpt\2008-Dec\CP2705535-Data.dwg[froman]Dec 23, 2008 at 12:58[Layout: FIG1





CROSS SECTION LOCATION MAP



APPROXIMATE SCALE IN FEET
VERTICAL EXAGGERATION 4X

LEGEND

BGS BELOW GRADED SURFACE

WELL CASING

SCREENED INTERVAL FOR
MONITORING WELLS
TO-35' TOTAL DEPTH OF WELL

S T Y SAND (SM)

SAND WITH CLAY (SP)

SILTY SAND/SAND WITH
CLAY (SM-SF)



Starbuck
12345 1234 56789012
REDMOND, WASHINGTON 98072
PH (425) 372-1800/FAX (425) 372-1560

FOR:

ConocoPhillips
FACILITY: 2705535 (RM&R 5046)
14001 14TH STREET
WOODVILLE, WASHINGTON

JOB NUMBER:
01DD-05046-03

DRAWN BY:
DAH/AARAR

CHECKED BY:

APPROVED BY:

DATE:

FIGURE:

6

