



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

November 4, 2015

Ms. Carrie Pederson
PLIA
300 Desmond Drive
Lacey, WA 98504

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

- **Name:** Acme Fuel Bulk Plant 305
- **Property Address:** 305 Thurston Ave NE Olympia WA 98501
- **Facility/Site No.:** 37135969
- **VCP Project No.:** SW1382
- **Cleanup Site ID No.:** 11769

Dear Ms. Pederson:

Thank you for submitting documents regarding your proposed remedial action for the Acme Fuel Bulk Plant 305 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 diesel-range petroleum hydrocarbons (TPH-D and TPH-G) into the soil and groundwater; Carcinogenic polycyclic aromatic hydrocarbons (cPAHs) and volatile organic compounds (BTEX) into the ground water.

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Ecology is providing this advisory opinion under the specific authority of RCW 70.1050.030(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 70.1050.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxic Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. Interim Remedial Action Plan, ACME Fuel Company Olympia, WA. AEG Project No. 12-114a of 9/9/15.

The report listed above will be kept in the Central Files of the Headquarters office of Ecology (HQ) for review by appointment only. Appointments can be made by calling the HQ resource contact at (360) 407-7170.

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

- Total diesel-range petroleum hydrocarbons (TPH-D and TPH-G) into the soil and groundwater; Carcinogenic polycyclic aromatic hydrocarbons (cPAHs) and volatile organic compounds (BTEX) into the ground water.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.1050 RCW and Chapter 173-340 WAC, for characterizing and addressing the following releases(s) at the Site, Ecology has determined: We are unable to approve this** Interim Remedial Action Plan at this time for the following reasons;

1. Site Description, p. 2, last paragraph; "For this Site, based on the data collected to date, the "Site" includes the Acme property along with areas under the right-of-way (ROW) for Thurston Avenue NE to the north and Adams Street NE to the east. The extent of contamination beneath the ROWs has not been fully defined."

Comment: References were made throughout this **Interim** Remedial Action Work Plan about NFA determinations without really defining the extent of the SITE as noted above. This needs to be harmonized; is the author seeking

- i. Ecology approval of this Interim Remedial Action Work Plan recognizing that further site characterization and perhaps further action maybe necessary elsewhere at the larger Site or
- ii. Is the author seeking a Property NFA Likely Opinion Letter implied by the references made throughout the report for an NFA determination excluding the ROW that has not been fully defined as noted in the above?

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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 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.

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. 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 360-407-7244 or e-mail at nmad461@ecy.wa.gov.

Sincerely,


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State of Washington
Hydrogeologist
Licensed Geologist
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NNAMDI I. MADAKOR

Nnamdi Madakor P.HG, P.G., VCP Statewide Coordinator
HQ – VCP Policy & Technical Manager
Toxic Cleanup Program

cc: Khan Adams, Great American (email only)
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Lisa Sweitzer, Ecy (email only)
Kelly Fox, Ecy (email only)