



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

December 29, 2015

Mr. Mark Chandler
Time Oil Holding Co.
2737 West Commodore Way
Seattle, WA 98199

Re: No Further Action at a Property Associated with a Site:

- **Property Address:** 4910 Leary Avenue NW, Seattle, WA
- **Facility/Site No.:** 85572141
- **Cleanup Site ID No.:** 6770
- **VCP Project No.:** NW1584

Dear Mr. Chandler:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of a Property associated with the Time Oil Bills Tires PR 01443 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.

Issues Presented and Opinion

1. Is further remedial action necessary at the Property to clean up contamination associated with the Site?

NO. Ecology has determined that no further remedial action is necessary at the Property to clean up contamination associated with the Site.

2. Is further remedial action still necessary elsewhere at the Site?

YES. Ecology has determined that further remedial action is still necessary elsewhere 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 Property and the Site

This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately below.

1. Description of the Property.

The Property includes the following tax parcel in King County, which was affected by the Site and addressed by your cleanup:

- 276770-3340

Enclosure A includes a legal description of the Property. **Enclosure B** includes a diagram of the Site that illustrates the location of the Property within the Site.

2. Description of the Site.

The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline and oil range petroleum hydrocarbons (GRPH, ORPH), benzene, toluene, ethyl benzene and xylenes (BTEX), ethylene dichloride (EDC), and naphthalene into the Soil and Ground Water.

Those releases have also affected the parcel identified above and adjacent Right of Way (ROW).

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

3. Identification of Other Sites that may affect the Property.

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

Basis for the Opinion

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

1. Hydrocon LLC, May 1, 2015, Cleanup Action Status Report.

2. SoundEarth Strategies, Inc. February 6, 2014, Interim Cleanup Action Report.
3. SoundEarth Strategies, Inc. October 6, 2011, Property Summary TOC Holding facility 01-443.
4. Sound Environmental Strategies. February 25, 2011, Supplemental Subsurface Investigation.
5. Sound Environmental Strategies. July 14, 2009, Remedial Investigation Report.

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) 649-7235 or sending an email to NWRO_Public_Request@ecy.wa.gov.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

1. Cleanup of the Property located within the Site.

Ecology has concluded that **no further remedial action** is necessary at the Property to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for the Property. The Site is described above and in **Enclosure B**.

The horizontal and vertical extent of soil and ground water contamination was defined for identified releases from potential sources that included two hydraulic lifts, five former underground storage tanks (USTs) and associated piping. Contamination was observed in soil at the south end of the Property around the former USTs and beneath a former waste oil UST at the north end of the Property. Ground water contamination was observed in the south end on-Property monitoring wells and in wells in the ROW along Leary Avenue and 17th Avenue NW.

As of 2011, on-Property ground water well MW-11 contained high levels of gasoline (8,900 micrograms per liter ($\mu\text{g/L}$)) and naphthalene (340 $\mu\text{g/L}$). In 2012 well MW-11 was decommissioned after soil excavation and replaced by well MW-11A in 2012.

Ground water samples from MW-11A have been consistently below Method A cleanup levels since installation through 2015. Contaminant levels in other on-Property ground water wells (MW-01A and MW-05A) remain below MTCA Method A cleanup levels. The off-Property ground water wells, MW-03 and MW-09, are contaminated with gasoline, 1,2-dichloroethane (EDC), and benzene above MTCA Method A cleanup levels.

The lithologies at the Site includes about 6 to 9 feet of fill material over a dense silty sand to the maximum explored depth of 35 feet. The depth to ground water is between 8.7 to 12.25 feet below ground surface and fluctuates seasonally. Ground water flow direction is to the south and southwest.

b. Establishment of cleanup standards for the Site.

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

Soil and ground water cleanup at the Site was originally measured for compliance with Method A cleanup levels. Because soil contamination remains above the Method A cleanup levels, Method B cleanup levels in soil and ground water are used for the Property.

Ground water cleanup beneath the Property achieved levels below the practical quantitation limit (PQL) of 250 µg/L for GRPH and diesel-range petroleum hydrocarbons (DRPH) and 500 µg/L for ORPH. The PQL can therefore be used as the Method B cleanup level [WAC 173-340-740(5)(c)] for ground water. Method B soil cleanup levels are less stringent than Method A and are applied at the Property. Based on the fractionation results for sample HC-7-12, the petroleum cleanup level of 5,242 milligrams per kilogram (mg/kg) was calculated using Ecology's software, MTCATPH. The on-Property highest petroleum soil concentration of 3,190 mg/kg was derived from a sidewall sample adjacent to the Property building.

Ground water contamination at off-Property wells continued to exceed Method B cleanup levels. Off-Property contributions to ground water contamination were suspected, but not confirmed. However, since ground water is not contaminated at the Property, but is contaminated off-Property, there appears reasonable cause to believe there may be another source of contamination to the Southeast contributing to the ground water plume.

All contaminated sites are required to perform a Terrestrial Ecological Evaluation (TEE) to assess potential detrimental impacts on terrestrial plants and/or animals. Because the Site did not qualify for a TEE exclusion, a simplified TEE was conducted for this Property. The results of the TEE scoring indicate that there is no risk of negatively impacting any sensitive terrestrial receptors.

The standard point of compliance in soil shall be established throughout the Site from ground surface to fifteen feet below the ground surface. Also, soil contamination shall not cause an exceedance of the ground water cleanup level.

The standard point of compliance in ground water shall be established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest depth which could potentially be affected by the Site.

c. Selection of cleanup for the Property.

Ecology has determined the cleanup you selected for the Property meets the substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site.

Cleanup activities performed at this Site included removal of underground storage tanks, hydraulic lifts, excavation of contaminated soil, and enhanced recovery of ground water at two monitoring wells. Source removal was the primary goal of the cleanup efforts.

d. Cleanup of the Property.

Ecology has determined the cleanup you performed meets the applicable Site cleanup standards within the Property.

During 2001, one 125-gallon UST was removed from the northeast corner of the Property and two hydraulic lifts were removed. In 2004, one 500-gallon UST and one 650-gallon UST with distribution pipe along with 1,193 tons of petroleum-contaminated soil were removed from the south portion of the Property. In 2010 and 2013, enhanced fluid recovery removed 110 gallons from ground water monitoring wells MW-11 and MW-3. During 2012, 214 tons of petroleum-contaminated soil were removed from the east side of the Property near ground water wells MW-11 and MW-05. During excavation the wells were decommissioned and two new replacement wells (MW-11A and MW-05A) were installed.

Soil contamination remains beneath the east and west ROWs at the south end of the Property. There has been no groundwater contamination exceedance since at the Property since monitoring wells MW5 and MW-11 had been replaced in 2012.

Ground water contamination remains above the Method B cleanup levels on the Site in monitoring wells located off-Property and adjacent ROW to the south and west.

2. Cleanup of the Site as a whole.

Ecology has concluded that **further remedial action** under MTCA is still necessary elsewhere at the Site. In other words, while your cleanup constitutes the final action for the Property, it constitutes only an **“interim action”** for the Site as a whole.

Listing of the Site

Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further remedial action is still necessary elsewhere at the Site, we will not remove the Site from our lists of hazardous waste sites. Furthermore, the Property will remain listed as part of the Site because the cleanup of the Property does not change the boundaries of the Site.

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**:

- Change the boundaries of the Site.
- 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).

Mr. Mark Chandler
December 29, 2015
Page 7

Termination of Agreement

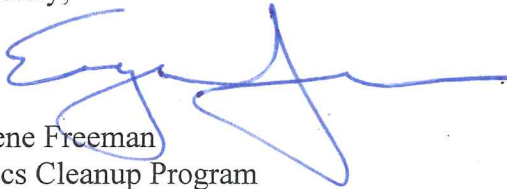
Thank you for cleaning up your Property under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#NW1584). If you should decide to clean up the remainder of the Site, please do not hesitate to reapply and request additional services under the VCP.

Contact Information

Thank you for cleaning up your Property under the Voluntary Cleanup Program (VCP). We look forward to working with you to clean up the remainder of the Site.

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 by phone at (425) 649-7191 or by e-mail at eugene.freeman@ecy.wa.gov.

Sincerely,



Eugene Freeman
Toxics Cleanup Program

Enclosures: A – Legal Description of the Property
B – Description and Diagrams of the Site (including the Property)

cc: Craig Hultgren, HydroCon Inc.
Sonia Fernandez, Ecology
Dolores Mitchell, Ecology

Enclosure A

Legal Description of the Property

GILMAN PARK ADD LESS ST

Plat Block: 77

Plat Lot: 11

Enclosure B

Description and Diagrams of the Site (including the Property)

Site Description

This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinion expressed in the body of the letter.

Area/Property Description: The Property known as TOC Holdings Co. Facility 01-443 is located at 4910 Leary Avenue NW in Seattle, WA. The Property is identified as King County parcel number 2767703340. The Property is a former retail gasoline service station. Contaminants of concern at the Site included gasoline and oil range petroleum hydrocarbons (GRPH, ORPH), benzene, ethyl benzene, and total xylenes (BTEX) and naphthalene.

Property History and Current Use: The Property was first developed as a residence prior to 1893. In 1922, a Mobil-brand retail gasoline station and automotive repair facility was built on the Property. The facility consisted of three dispenser islands, two 500-gallon underground storage tanks (USTs), one 1,000-gallon UST, a hydraulic hoist, and a grease shed. In 1964, the canopy and the dispenser islands were removed. From 1964 through 2006, the Property operated as a vehicle repair/tire shop. The Station bistro and cocktail lounge occupied the Property between 2006 and 2008. The Property is still occupied by the 1942 vintage building which is currently vacant. The Property is zoned for industrial use and the adjacent properties consist of mixed commercial and industrial use.

Contaminant Source and History: In 2000, two soil borings were advanced two to four feet beneath the lubrication bay in the building. DRPH and ORPH were found in soil samples at levels exceeding the MTCA Method A cleanup levels. In March 2001 a 125-gallon waste oil UST and one hydraulic hoist were removed from the Property.

In 2001 and 2002, 11 soil borings (GP-1 through GP-11), one hollow stem auger boring (B-1) were advanced and five ground water wells (MW01 through MW05) were installed to determine the lateral and vertical extent of petroleum-contaminated soil and ground water. Soil samples collected from soil borings GP-5 through GP-8, GP-10, and GP-11 contained GRPH and BTEX above MTCA Method A cleanup levels. Benzene contamination in soil was also reported for samples from borings for MW03, MW-04, and MW05. None of the ground water samples collected from the five ground water wells exceeded MTCA Method A cleanup levels.

In July and August 2004, a 500-gallon gasoline UST, a 650-gallon gasoline UST, and associated piping were removed from the Property. Approximately 1,193 tons of petroleum-contaminated soil were excavated from the southern portion of the Property. Further excavation was restricted by proximity to roads and buildings.

Ground water samples were collected during October and November 2004. Two new wells (MW01A and MW05A) were installed to replace wells that were decommissioned during soil excavation. Ground water samples did not have GRPH or BTEX above Method A

cleanup levels. However, ground water monitoring well MW03 which is located off the Property within the Leary Avenue NW, Right-of-Way (ROW). Well MW03 had GRPH, benzene, and EDC concentrations above the MTCA Method A cleanup level.

Ground water samples collected during June 2005 did not contain GRPH, BTEX or EDC above cleanup levels, except for MW03 which contained GRPH and EDC.

In 2005, six soil borings (P01 through P06) were advanced to investigate a magnetic anomaly in the ROW of 17th Avenue NW. Temporary wells were installed in each of the borings for the purpose of collecting ground water samples. Soil samples exceeded cleanup levels for GRPH or BTEX components in borings P01 through P04. Soil contamination was not detected in borings P05 or P06. Reconnaissance ground water samples collected in P02 through P05 contained GRPH or benzene concentrations in excess of the cleanup levels. Concentrations also exceeded cleanup levels for DRPH in P05 and EDC in P06.

In May and September 2008, five soil borings (B02 through B06) were advanced to a maximum depth of 35 feet beneath the ROW at Leary Avenue NW. The borings were completed as ground water monitoring wells MW06 through MW10. GRPH exceeded soil cleanup levels in boring B06 at the intersection of Leary Avenue NW and 17th Avenue NW.

In 2008 a three foot by 3.5 foot wide excavation was dug to a depth of five feet at the location of the magnetic anomaly in the 17th Avenue NW ROW. No object was encountered in the excavation. Ground water was sampled at Site wells during September. Ground water wells MW03, MW04, and MW08, which are located in Leary Avenue NW ROW, contained EDC in excess of cleanup levels. Elevated levels of GRPH were also observed in monitoring wells MW09 and MW10, located down gradient from the Property, at the intersection of Leary Avenue NW and 17th Avenue NW.

In February 2009, quarterly groundwater sampling was initiated and a supplemental subsurface investigation was performed. Groundwater contamination was observed in on-Property monitoring well, MW11 which exceeded cleanup levels for GRPH, benzene, total xylenes, and naphthalene. The off-Property wells were not sampled.

One soil boring (B-07) was advanced to a depth of 21 feet. After soil samples were collected, the boring was completed as monitoring well MW11.

Physiographic Setting: The Site is located in the North-Central Puget Sound Lowlands and is bracketed to the east by the Cascade Mountains and to the west by the Olympic Mountains. The local area is on a relatively flat surface with a slight slope to the west-southwest. The land surface elevation is about 35 to 40 feet above mean sea level.

Ecological Setting: The Property is located in a commercial and industrial area within the Ballard district of Seattle. A simplified Terrestrial Ecological Evaluation was performed for the Site. The ranking resulted in qualification for an exclusion from further consideration. Consequently, there is no expected impact to indigenous plants or wildlife from contaminants at this Site.

Geology: The Property is overlain by asphalt and has a building near the north boundary. The upper six to nine feet consists of fill material consisting of gravel, sand and silt. Beneath the fill is a unit consisting of dense, silt and sand with intermittent gravel content. This unit is identified as the Vashon Till and is located from the contact with the fill to a depth of 35 feet below ground surface.

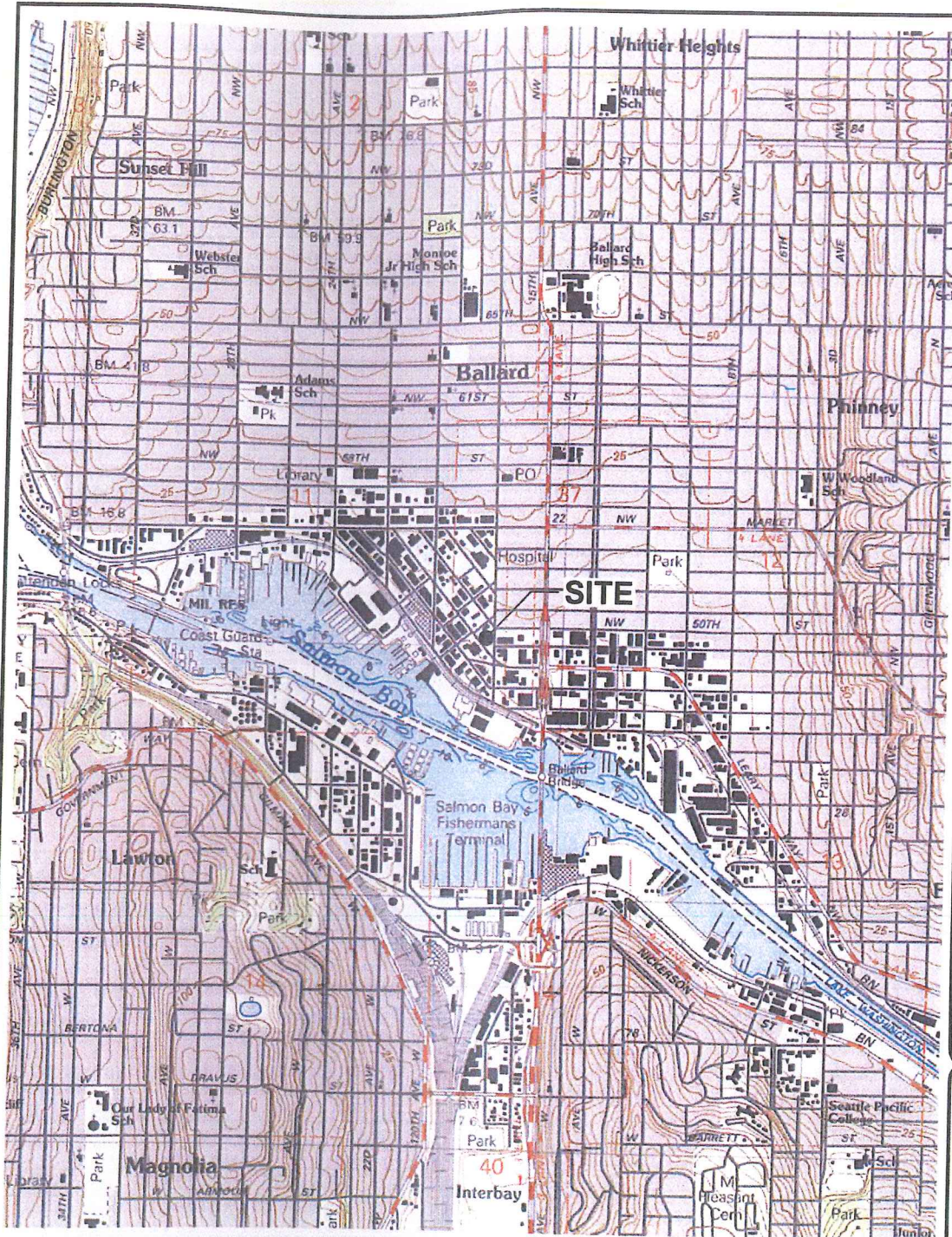
Groundwater: The shallow ground water at the Site is between 8.75 to 12.25 feet below ground surface (bgs). The shallow ground water surface is located in the fill material. The saturated thickness of the aquifer is between 20 and 30 feet. Ground water flow is predominantly west to southwest and the gradient is about 0.1 to 0.2 feet per foot.

Surface Water: Salmon Bay is located about 900 feet to the southwest of the Site. Surface water runoff at the Site is collected by street drains and is directed through the City of Seattle storm water system.

Water Use/Water Supply: Potable water to the Site is provided by the City of Seattle. Because the Site is located in an industrial zone, ground water is not expected to be developed in the area. The Site is not located within a wellhead protection area.

Release and Extent of Contamination – Soil: Potential sources of contaminant release to the soil include USTs at the northeast corner of the Property and USTs at the south end of the Property and hydraulic lifts at the north end of the Property. ORPH was observed in soil beneath the northeast UST. ORPH, diesel-range petroleum hydrocarbons, GRPH, BTEX and naphthalene were observed in soil at the south end of the Property. After remediation, soil contamination remains in soil along the east and west ROW at the south end of the Property.

Extent of Contamination – Groundwater: Sources of potential ground water contamination would include the UST at the northeast corner of the Property, hydraulic lifts in the north end of the Property, and the USTs at the south end of the Property. Ground water contamination was observed in monitoring wells at the south end of the Property and at wells in the ROW along the south end of the Property. Excavation of soil in the south end of the Property that included decommissioning contaminated ground water wells MW-05 and MW-11 has stopped contamination from entering the ground water. The two decommissioned monitoring wells were replaced by MW-05A and MW-11A. Monitoring wells in the ROW adjacent to the south end of the Property remain contaminated above MTCA. Contamination in the ROW is suspected to be from a cross gradient, yet unknown source. Flow is suspected to be affected by utilities in the area. It is not known to what extent contamination from the Property has contributed to the remaining contamination in the off-Property wells.



NOTE(S):
 USGS, SEATTLE NORTH QUADRANGLE
 WASHINGTON
 7.5 MINUTE SERIES (TOPOGRAPHIC)

FIGURE 1

SITE LOCATION MAP

TOC HOLDINGS CO. FACILITY NO. 01-443
 4910 LEARY AVE. NW
 SEATTLE, WA.

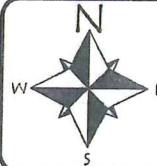
DATE: 4-14-15
 DWN: JJT
 CHK: NV
 APPROVED:
 PRJ. MGR: CH
 PROJECT NO:
 14-806



510 Allen St. Suite B Kelso, WA 98625, Ph: (360) 703-6096



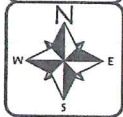
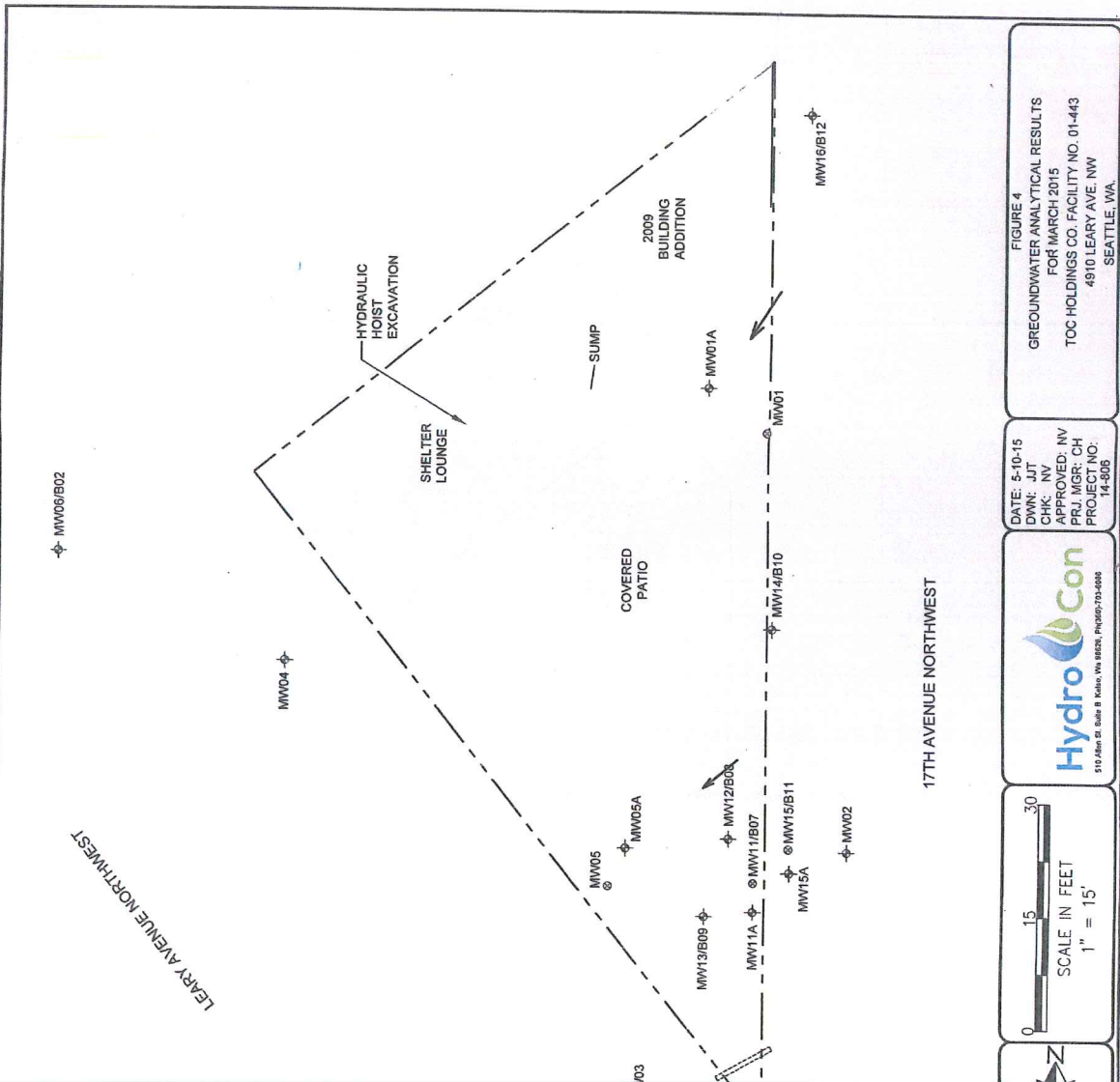
SCALE IN FEET
 1" = 2000'



	GRPH	Benzene	Toluene	Ethylbenzene	Total Xylenes	EDC
MTCA B	800/1,000	0.795	640	800	1,600	0.481
MW01A	<1.00	<0.35	<1	<1	<3	<1
MW02	<1.00	<0.35	<1	<1	<3	<1
MW03	3,000	1.1	47	46.3	6	6
MW04	260	<0.35	<1	<1	<3	<1
MW05A	<1.00	<0.35	<1	<1	<3	<1
MW06	<1.00	<0.35	<1	<1	<3	<1
MW07	<1.00	<0.35	<1	<1	<3	<1
MW08	<1.00	<0.35	<1	<1	<3	<1
MW09	7,600	2.9	43	390	253	<1
MW10	<1.00	<0.35	<1	<1	<3	<1
MW11A	<1.00	<0.35	<1	<1	<3	<1
MW12	<1.00	<0.35	<1	<1	<3	<1
MW13	<1.00	<0.35	<1	<1	<3	<1
MW14	<1.00	<0.35	<1	<1	<3	<1
MW15A	<1.00	<0.35	<1	<1	<3	<1
MW16	<1.00	<0.35	<1	<1	<3	<1

LEGEND

- ⊕ MW10/B06 MONITORING WELL
- ⊙ MW05 DECOMMISSIONED MONITORING WELL
- PROPERTY BOUNDARY
- FORMER SITE FEATURE
- APPROXIMATE GROUNDWATER FLOW DIRECTION



DATE: 5-10-15
 DWN: JLT
 CHK: NV
 APPROVED: NV
 PRJ. MGR: CH
 PROJECT NO.: 14-805

FIGURE 4
 GROUNDWATER ANALYTICAL RESULTS
 FOR MARCH 2015
 TOC HOLDINGS CO. FACILITY NO. 01-443
 4910 LEARY AVE. NW
 SEATTLE, WA

