



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 18, 2013

Ms. Jana Lottinville
North Woodinville 195 LLC
19900 144th Avenue NE
Woodinville, WA 98072

Re: Further Action at the Following Site:

- **Site Name:** North Woodinville 195 LLC
- **Site Address:** 13820 NE 195th Street, Woodinville, WA 98072
- **Facility/Site No.:** 1947253
- **CS ID:** 12085
- **VCP Project No.:** NW2701

Dear Ms. Lottinville:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the **North Woodinville 195 LLC** 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:

- Gasoline-range petroleum hydrocarbons, Diesel-range petroleum hydrocarbons, Oil-range petroleum hydrocarbons, and Benzene, Toluene, and Xylene (BTEX) into the Soil
- Diesel-range petroleum hydrocarbons, Oil-range petroleum hydrocarbons, and Benzene, Toluene, and Xylene (BTEX) 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 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. Environmental Associates, Inc., *UST Removal and Independent Cleanup Action Report, North Woodinville 195 LLC Property, 13820 NE 195th Street, Woodinville, WA, VCP Project No. NW2701*, dated February 12, 2009.
2. Environmental Associates, Inc., *Interim Summary of Ground Water Monitoring Report, North Woodinville 195 LLC Property, 13820 NE 195th Street, Woodinville, WA, VCP Project No. NW2701*, dated April 7, 2010.
3. Environmental Associates, Inc., *Ground Water Sampling Event – November 2011, North Woodinville 195 LLC Property, 13820 NE 195th Street, Woodinville, WA, VCP Project No. NW2701*, dated November 30, 2011.
4. Environmental Associates, Inc., *Ground Water Sampling Event – February 2012, North Woodinville 195 LLC Property, 13820 NE 195th Street, Woodinville, WA, VCP Project No. NW2701*, dated April 4, 2012.
5. Environmental Associates, Inc., *Ground Water Sampling Event – May 2012, North Woodinville 195 LLC Property, 13820 NE 195th Street, Woodinville, WA, VCP Project No. NW2701*, dated June 14, 2012.
6. Environmental Associates, Inc., *Fourth Quarter 2012 - Ground Water Monitoring Report, North Woodinville 195 LLC Property, 13820 NE 195th Street, Woodinville, WA, VCP Project No. NW2701*, dated December 31, 2012.

These 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 via email at NWRO_public_request@ecy.wa.gov.

Mr. Jana Lottinville

June 18, 2013

Page 3

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 establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A.**

- Your characterization is not sufficient because the lateral and vertical extent of soil and groundwater contamination has not been fully determined.
- Soil sampling in select locations shows exceedances of the MTCA Method A cleanup levels for the contaminants of concern. It has not been determined whether residual contamination has remained on the Site, and whether continued impacts to the soil at the Site have occurred.
- A discussion of area geology and hydrogeology concerning the Site needs to be incorporated in the project reports. Site maps, boring logs, geologic cross-sections, and figures with groundwater elevation contour lines indicating the groundwater flow direction would aid in understanding and describing the Site conditions.
- Petroleum-contaminated soil was excavated and removed from the Site. Site maps and figures are needed to depict the area and location of the excavations, which would further aid in understanding and describing the Site conditions. Characterization of the Site was not conducted, utilizing past soil and ground water data.
- The project needs a final Cleanup Action Report (CAR) which summarizes all the work conducted at the Site and conclusions. The submitted 2009 report presents some details but was created before the cleanup action was completed and results were available. A report simply presenting fourth quarter ground water monitoring results is not sufficient. Please draft and submit for Ecology's review and opinion the completed Cleanup Action Report.
- The potential terrestrial ecological evaluation was not described and a Terrestrial Ecological Evaluation (TEE) was not performed appropriately at this Site (a new box was created and marked, which does not follow previously established protocols). Please review the additional information on satisfying this

requirement which can be found at the following link:
www.ecy.wa.gov/programs/tcp/policies/terrestrial/TEEHome.htm. The TEE is necessary to set cleanup levels that are protective of terrestrial species as appropriate.

- Electronic submittal of all sampling data into Ecology's electronic Environmental Information Management (EIM) database is a requirement in order to receive a final Ecology opinion for this Site. This requirement has not yet been completed for the Site. Jenna Durkee (email jedu461@ecy.wa.gov, or via telephone at 509-454-7865) is Ecology's contact and resource on entering data into the EIM database.

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.

Soil:

The Site is located in a mixed residential and commercial area. 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
- 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.

The point of compliance for protection of human health (direct contact) is soil throughout the Site to a depth of 15 feet below the ground surface. The standard point of compliance for the protection of ground water is throughout the Site.

Mr. Jana Lottinville

June 18, 2013

Page 5

Ground Water:

Cleanup levels were set for ground water based on its use as a potential drinking water source. The MTCA Method A cleanup levels are appropriate for this purpose, and were selected as the cleanup levels for this Site.

Appropriate groundwater cleanup levels are the WAC 173-340 Method A Table 720-1 values.

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

Your proposed cleanup level for ground water meets MTCA at this time because, as stated above, sufficient information via four consecutive quarters of monitoring results at or below MTCA Method A cleanup levels for the contaminants of concern was submitted to substantiate your position that ground water is no longer impacted.

The cleanup levels you established are appropriate based on investigations done thus far, but it is possible that cleanup levels would need to be revised as a result of completion of the TEE; or further sampling and characterization of the soil at the Site; or if there is a determination that contamination has migrated off-Property, which would adjust the boundaries of the Site. The Model Toxics Control Act (MTCA), Chapter 70.105D RCW, stipulates that the boundaries of a Site are established based on the extent of hazardous substances and where the contamination is found, not property ownership boundaries.

3. Selection of cleanup action.

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

Since a sufficient characterization of the Site has not been conducted (as stated earlier, questions remain whether residual contamination has remained on the Site; whether continued impacts to the soil at the Site have occurred; whether impacts to groundwater beyond the property boundary of the Site have occurred), Ecology could not determine whether the cleanup action you conducted for the Site meets the substantive requirements of MTCA.

4. Cleanup.

Ecology has determined the cleanup you performed does not meet cleanup standards at the Site.

- The removal of the four Underground Storage Tanks (USTs) included the removal of approximately 475 tons of petroleum-impacted soils, and 12,000-gallons of petroleum-impacted ground water. Analysis of confirmation samples collected during the remedial excavation indicated contamination remained in soil and ground water at, and beyond, the limits of the excavation, at levels above MTCA Method A cleanup levels for the contaminants of concern.
- It has also not been determined whether residual contamination may have migrated and impacted ground water beneath the Site, and beyond the property boundaries. As a result, no remedial action has been conducted. Therefore, Ecology could not determine whether the cleanup you performed meets cleanup standards at 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**:

- 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. Jana Lottinville
June 18, 2013
Page 7

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) 649-4422 or e-mail at gcar461@ecy.wa.gov.

Sincerely,



Glynnis A. Carrosino
Project Manager
Toxics Cleanup Program

Enclosure: A – Description and Diagrams of the Site

By certified mail: 7011 0470 0003 3682 7388

cc: Robert Roe, Environmental Associates, Inc
Sonia Fernandez, VCP Coordinator, Ecology

Enclosure A

Description and Diagrams of the Site

Site Description

This enclosure provides Ecology's understanding and interpretation of Site conditions and forms the basis for the opinions expressed in the letter.

Site Definition: The Site is defined by the extent of releases of Gasoline-range petroleum hydrocarbons, Diesel-range petroleum hydrocarbons, Oil-range petroleum hydrocarbons, and Benzene, Toluene, Ethylbenzene and Xylenes (BTEX) to soil and ground water associated with 13820 NE 195th Street in Woodinville, WA (the Property). The Property and the Site are shown on the attached Site Diagrams. The King County Assessor parcel numbers for the Property which comprises the Site are: 032605-9056 and 032605-9107. The Property is developed with three single story wood frame buildings and one mobile trailer/office. The Property coordinates are: Latitude: 47 degrees, 46 minutes, 08.80 seconds; Longitude: 122 degrees, 09 minutes, 18.01 seconds.

Area Description: The Site is located in an area primarily used for light industrial purposes, approximately one mile north of downtown Woodinville. Asphalt-paved parking areas surround the Property, which is an irregular shaped area covering approximately 85,564 square feet. Surrounding businesses are immediately north, southeast, and due east of the Property. Woodinville-Snohomish Road (aka 139th Avenue Northeast) is located along the Site's eastern boundary. Adjacent to the west of the Site is Highway 522. A small park and vacant, undeveloped lot are situated opposite Highway 522. The Site is located in Township: 36N; Range: 5E; Section: 03; SE quarter of the NW quarter.

Property History and Current Use: The Property was undeveloped land prior to the construction of the three buildings. The most used building has been occupied as an auction building, which is located in the west margin of the Site. The four underground storage tanks (USTs) removed in 2009 consisted of two 4,000-gallon tanks, one 1,000-gallon tank, and one 300-gallon tank. All USTs were originally installed in the 1960's, and were unregistered. The removal of the four USTs also included the removal of approximately 475 tons of petroleum-impacted soils, and 12,000-gallons of petroleum-impacted ground water. Analysis of confirmation samples collected during the remedial excavation indicated contamination remained in soil and ground water at, and beyond, the limits of the excavation.

Contaminant Sources and History of Releases: In January, 2009, four USTs, and associated distribution piping, were excavated and removed from the Property. Although the four tanks appeared to be in good condition and were apparently free of holes upon removal, both soil and ground water impacts by petroleum products were encountered.

The potential contaminant sources for this Site may be the result of previous overfills of the original four USTs, releases from the USTs and/or leakage from the associated distribution piping into the soil and ground water.

Physiographic Setting: the Site is located in the Bear Creek Channel physiographic subdivision of the Puget Sound Lowland physiographic province. Topographically, the Site is situated on a

gentle westerly-facing grade approximately 90 feet above sea level. Shallow ground water in the vicinity of the property appears to flow in a west/southwesterly direction.

Geology: The Site is situated in an area formed gently rolling elevated plain known as the formed during the last period of continental glaciations that ended approximately 13,500 years ago, known as the Fraser glaciation. The material directly underlying the Site is recessional outwash of the Vashon Drift, a well-sorted mixture of sand, pebbles, and cobbles. Below that is Vashon glacial till, a dense, heterogeneous mixture of silt, sand, and gravel, which is in turn underlain by an undifferentiated pre-Vashon drift, between 8-11 feet below the ground surface.

Ecological Setting: Little undeveloped land exists immediately around the Site. The Property is paved with asphalt, and covered with three buildings and a mobile office.

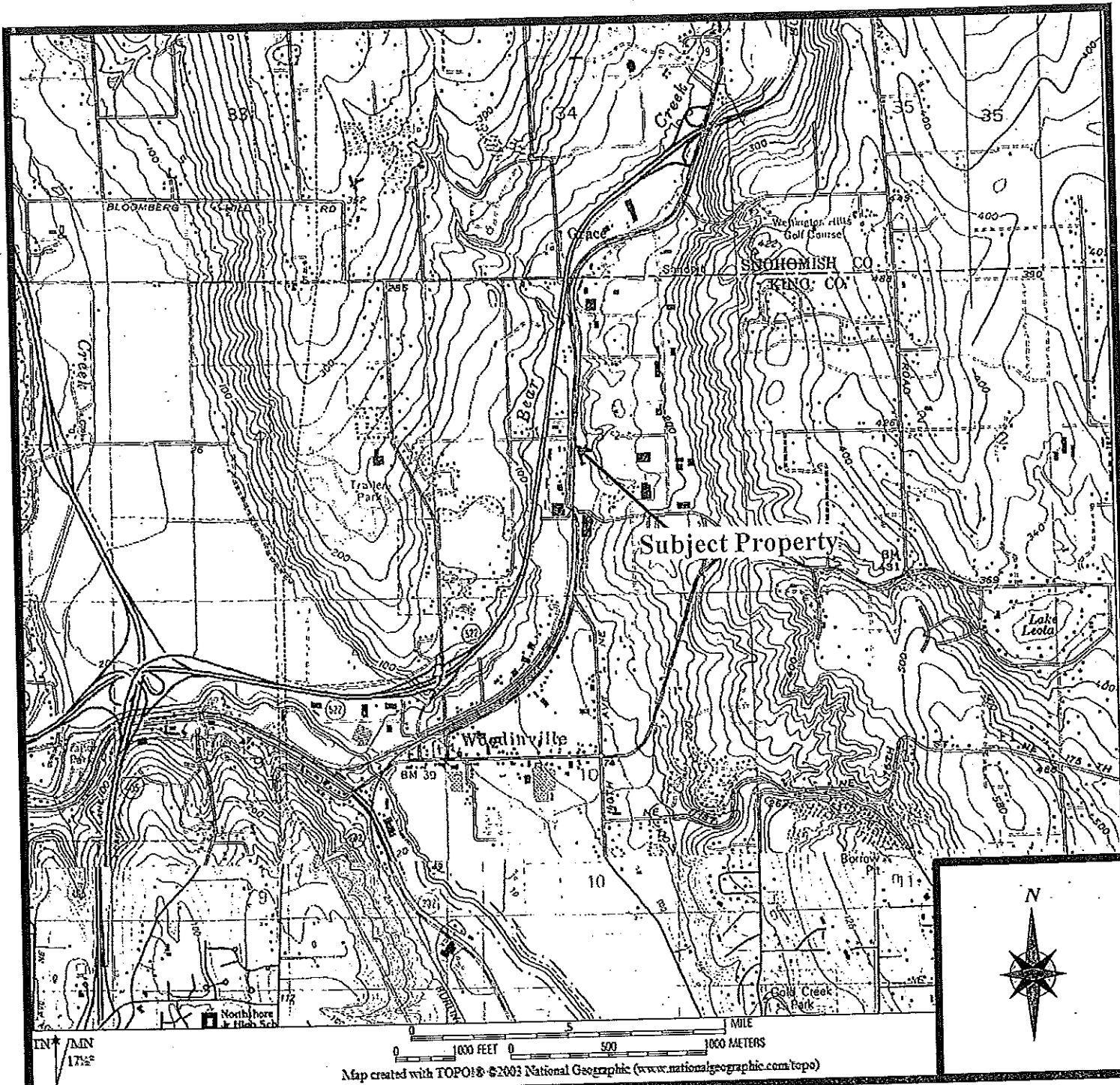
Surface Water: Bear Creek is located approximately 400 feet west of the Site. This surface water course flows in a southerly direction and eventually discharges into the Sammamish River.

Ground Water: During the course of excavation, water seeps were observed entering the excavation from above an intercalated, dense grey sandy silt lens at between 3-4-feet below the ground surface. The water-well located on the northern margin of the Site was flowing under artesian conditions at approximately 0.5 to 1.0 gallon per minute at the time of site work. A review of the Ecology well log database revealed no active water supply wells within a one-quarter mile radius of the Site.

Release and Extent of Contamination - Soil: Gasoline-range petroleum hydrocarbons, Diesel-range petroleum hydrocarbons, Oil-range petroleum hydrocarbons, and Benzene, Toluene, and Xylene (BTEX) are the known contaminants present in soil at the Site.

Extent of Contamination - Groundwater: Diesel-range petroleum hydrocarbons, Oil-range petroleum hydrocarbons, and Benzene, Toluene, and Xylene (BTEX) were the known contaminants present in into the Ground Water at the Site. Two ground water samples were recently collected in 2013. The analytical results indicated no contaminants were detected at concentrations above MTCA Method A Cleanup Levels.

Site Diagrams



TN 175°

ENVIRONMENTAL ASSOCIATES, INC.

1380 - 112th Avenue N.E., Ste. 300
Bellevue, Washington 98004

TOPOGRAPHIC MAP

Former Auto Auction Site
13820 NE 195th Street
Woodinville, Washington

Job Number:
JN 28260-4

Date:
November 2012

Plate:
2



Approximate area of subject property.



ENVIRONMENTAL ASSOCIATES, INC.

1380 112th Avenue N.E., Ste. 300
Bellevue, Washington 98004

SITE PLAN

Former Auto Auction Site
13820 NE 195th Street
Woodinville, Washington

Job Number:

JN 28260-4

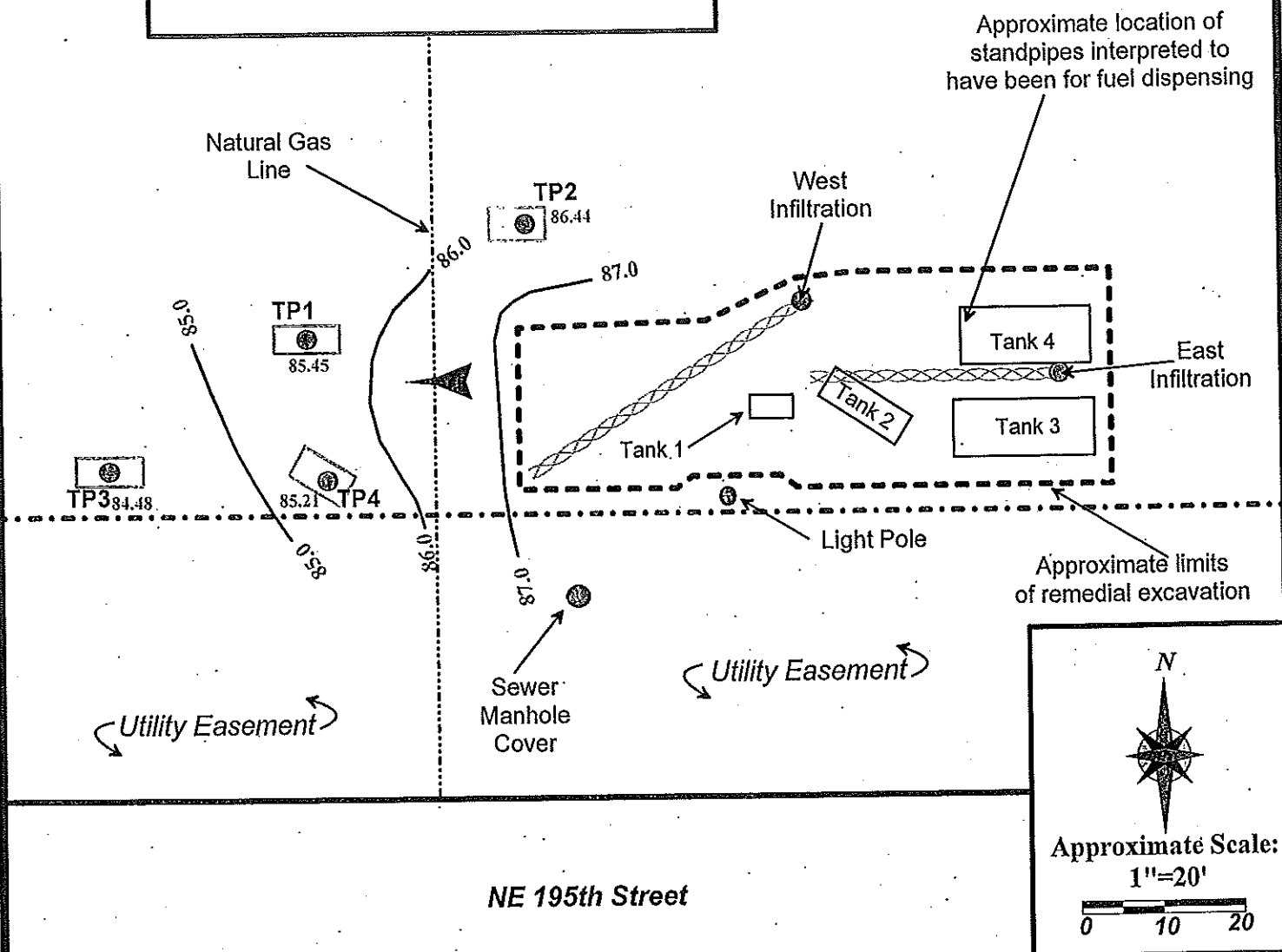
Date:

November 2012

Plate:

3

Former Auction Barn
(Currently Storage)



- Approximate subject property border
- Approximate location and area of test pit
- TP3 Approximate location and name of vertical standpipe and flush grade monument (i.e. monitoring/infiltration point).
- Approximate location and alignment of horizontal slotted 2"-PVC pipe.

- Tank 4 Approximate location and number of removed UST
- Approximate groundwater elevation contour lines (as measured 2/23/12)
- Inferred direction of groundwater flow



**ENVIRONMENTAL
ASSOCIATES, INC.**

1380 112th Avenue N.E., Ste. 300
Bellevue, Washington 98004

DETAILED SITE PLAN

Former Auto Auction Site
13820 NE 195th Street
Woodinville, Washington

Job Number:
JN 28260-4

Date:
November 2012

Plate:
4