



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 15, 2009

Ms. Carol Campagna
Shell Oil Products US
20945 S. Wilmington Ave
Carson, CA 9810

Re: No Further Action at the following Site:

- **Site Name:** Minit Lube 1116
- **Site Address:** 1616 Freeway Drive, Mount Vernon, WA
- **Facility/Site No.:** 57575292
- **VCP Project No.:** NW2078

Dear Ms. Campagna:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Minit Lube 1116 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?

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 releases:

- Diesel- and Oil-Range Petroleum Hydrocarbons (TPHd, TPHo) in Soil;



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. October 5, 2009, *Site Investigation and Cleanup Action Report, Jiffy Lube, 1616 Freeway Drive, Mount Vernon, WA*, Conestoga-Rovers & Associates
2. March 30, 2009, *Site Investigation and Corrective Action Work Plan, Jiffy Lube Service Station*, Conestoga-Rovers & Associates
3. May 8, 2008, *Re: Further Action Determination WAC 173-340-515(5) for the following Hazardous Waste Site: Minitlube 1116, 1616 Freeway Drive, Mount Vernon, WA*, letter from Ecology
4. March 10, 2008, *Re: Jiffy Lube No. 2080, 1616 Freeway Drive, Mount Vernon, Washington*, letter from Conestoga-Rovers to Michael Kuntz, Ecology.
5. October 25, 2006, *Re: Further Action Determination WAC 173-340-515(5) for the following Hazardous Waste Site: Minitlube 1116, 1616 Freeway Drive, Mount Vernon, WA*, letter from Ecology
6. June 22, 2006, *Subsurface Assessment, Jiffy Lube Facility, 1616 Freeway Drive, Mount Vernon, Washington*, GeoEngineers Inc.
7. November, 1995, *Mount Vernon Q Lube Underground Storage Tank Closure Site Characterization*, Nowicki & Associates, Inc.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made 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**.

The Site soil contamination included TPHd, and TPHo that exceeded MTCA method A cleanup levels. The source was most likely from leaking product supply lines and spills. The vertical and lateral extent of soil contamination was defined and was limited to an area within the Property boundaries, as shown on the attached Figure 1.

Ground water at the Site was determined to be not impacted and not likely to be impacted by the identified releases.

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.

Soil

Cleanup Levels:

A terrestrial ecologic evaluation (TEE) has been completed and exclusion #7 identified as the appropriate barrier to exposure. Therefore soil cleanup standards protective of terrestrial species are not required.

The Site does not meet the MTCA definition of an industrial property; therefore soil cleanup levels suitable for unrestricted land use are appropriate. For unrestricted land use, direct contact, either Method A or Method B cleanup levels can be used. Method A cleanup levels for TPH and individual hydrocarbon constituents were selected for this Site.

Point of Compliance: For soil cleanup levels based on direct contact, the point of compliance is defined as throughout the site from the ground surface to fifteen feet below the ground surface.

Ground water

Cleanup Levels:

Ground water cleanup levels were not necessary for this Site based upon the lack of impact to ground water as determined by ground water sampling.

Table 1. Summary of Cleanup Levels

	Total Petroleum Hydrocarbons TPHd, TPHo	Benzene	ethylbenzene	Toluene	Xylene
Soil Direct Contact (mg/Kg)	Method A 2,000	Method A 0.03	Method A 7	Method A 6	Method A 9

3. Selection of cleanup action.

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

The selected cleanup action was removal and off property disposal of contaminated soil excavated during UST removal and subsequent soil excavation and removal activities. The cleanup actions selected are permanent actions that meet MTCA requirements.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

Cleanup actions that were performed at this site included the excavation and removal of approximately 150 cubic yards of soil during the removal and replacement of USTs in 1995. Confirmation sampling was performed at the time of the work. Sample results document hydrocarbon concentrations below the Method A cleanup levels identified in section 2 of this letter except for the area along the south sidewall of the excavation.

In May 2009 additional soil excavation was done to remove remaining soil contamination in the area around the south sidewall of the earlier excavation. All soils associated with the tanks exceeding cleanup levels were removed, as demonstrated through confirmation sampling.

The cleanup actions performed are permanent actions that meet cleanup standards established for this Site.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank 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 (#NW2066).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov.

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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 425-649-7064 or e-mail at bgil461@ecy.wa.gov.

Sincerely,



Bradly Gilmore, L.G.
NWRO Toxics Cleanup Program

BGG: bg

Enclosures (1): A – Description and Diagrams of the Site

cc: Jeff Gould, Shell Oil Products US
Brian Peters, CRA
Dolores Mitchell (without enclosures)

Enclosure A

Description and Diagrams of the Site

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Site Description

Site Name: Minit Lube 1116

Site Address: 1616 Freeway Drive, Mount Vernon, WA

Facility/Site No.: 57575292

VCP Project No.: NW2078

The Site comprises an area contaminated by diesel- and oil-range hydrocarbons associated with a Jiffy Lube service station (see attached figure). The service station (the Property) is located at 1616 Freeway Drive, Mt Vernon, adjacent to a south-bound onramp for Interstate 5. A storm water pump station and car stereo shop occupy properties immediately adjacent to the north, and vacant highway right-of-way occupies the area to the south. Across Freeway Drive to the west are various commercial establishments.

The history of the Property is not known, except that Jiffy Lube has been there since before 1995. Two underground storage tanks containing new motor oil and one tank containing used motor oil were formerly present at the Property. These were removed and replaced in 1995. A recent (2007) geophysical survey identified another possible UST east of the "new" motor oil tanks location.

The car stereo shop to the north was formerly a Chevron service station. The former station was identified by Ecology / Skagit County Health Department in the mid-1980s as one of several candidate sources associated with a so-called "Mount Vernon Gasoline Spill Site" (the Spill site). The Spill site is an area of petroleum contamination of both unknown source and unknown extent that historically has been detected at the storm-water pumping station. The pump station property was added to Ecology's Confirmed and Suspected Contaminated Sites List in 1988; the car stereo property was added later in 1997 under the name "Dahlgren Property Car Stereo Plus". No action appears to have occurred since 1988 at the pump station, and recent investigations at Dahlgren showed gasoline contamination in ground water only at the northern edge of the property.

The Property and surrounding area is on the Skagit River floodplain, near the center of large meander in the river. At its' closest, the Skagit River is about 1,700 feet from the Site. The land surface in the area is nearly flat, at about elevation 20 feet. The only topography is provided by deep ditches which line roads in the area, although none are actually present near the Site. Storm water at the Property appears, in part, to flow overland onto Freeway Drive, and in part to be captured in storm drains. The storm water is discharged into the Skagit river at the Kulshan Creek outfall.

Geologic conditions beneath the Site consist of a thin layer of fill overlying native alluvial deposits. The alluvium consists of fine-grained silty sand, with interbedded fine sand below about 8 feet, extending to the depth explored at the Site (about 13 feet).

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Ground water occurs within the alluvium under unconfined (water table) conditions. The water table is about 10 feet below ground surface and shallow ground water flow is to the south and southwest, as indicated by water level data from the Dahlgren property.

Soil contamination was detected adjacent to and below the original oil tanks, when they were removed and replaced in 1995. The contamination occurred through leaks in the product supply lines and probably through leaks and spills during tank use. During the 1995 tank work, 150 cubic yards of contaminated soil was excavated and removed. In May 2009 additional soil excavation was done to remove remaining soil contamination in the area around the south sidewall of the earlier excavation. All soils associated with the tanks exceeding cleanup levels were removed, as demonstrated through confirmation sampling.

Various investigations have also shown that surficial soils at the Property are contaminated with diesel- and oil-range hydrocarbons at concentrations generally below MTCA Method A cleanup levels. The contamination appears to be from oil drips and spills at the surface, and extends to a depth of two to three feet. Only one soil sample (T-15) from this zone showed hydrocarbons above the cleanup level. The vertical and lateral extent of contamination associated with T-15 has been bounded. Note that the T-15 contamination was detected during the 1995 tank removal, but is not associated with the tanks. The May 2009 excavation work removed the contaminated soils in this area. Confirmation sampling verified that no TPH contaminated soils exceeding cleanup levels remained.

A grab sample of ground water obtained from below T-15 showed diesel at a concentration close to but below the MTCA Method A cleanup level. An additional ground water sample obtained from soil boring SB-3 indicated that TPHd and TPHo were below the MTCA Method A cleanup level. Carcinogenic polycyclic aromatic hydrocarbons were also detected at a concentration below the summed MTCA Method A cleanup level. These results indicate ground water is not impacted at concentrations above cleanup levels beneath the Site.

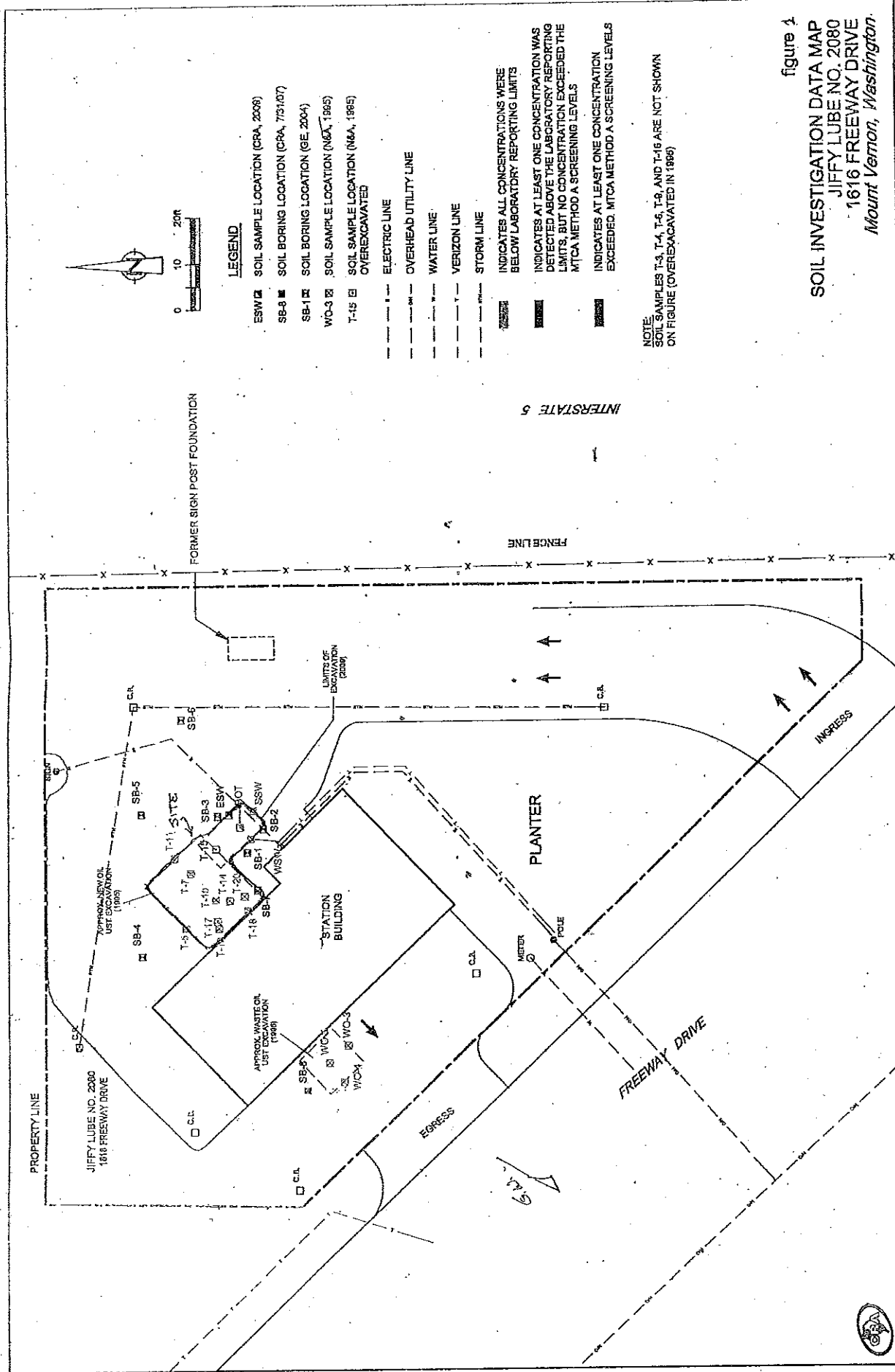


figure 1

SOIL INVESTIGATION DATA MAP
JIFFY LUBE NO. 2080
1616 FREEWAY DRIVE
Mount Vernon, Washington

