



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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August 1, 2016

Mark Chandler  
TOC Holdings  
2737 West Commodore Way  
Seattle, WA 98134

**Re: Opinion pursuant to WAC 173-340-515(5) on Proposed Remedial Action for the following Hazardous Waste Site:**

- **Name:** Taqueria El Rinconsito
- **Address:** 301 Central Avenue N, Kent
- **Facility/Site No.:** 3502
- **Cleanup Site ID No.:** 12421
- **VCP No.:** NW3034

Dear Mr. Chandler:

Thank you for submitting documents regarding your proposed remedial action for the Taqueria El Rinconsito 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 releases at the Site:

- Gasoline, diesel range petroleum hydrocarbons (GRPH, DRPH), benzene, toluene, ethyl benzene, xylenes (BTEX) in soil and groundwater.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.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 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



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Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial actions:

1. HydroCon, November 5, 2015, *Subsurface Investigation Report, TOC Holding Co. Site 01-323.*
2. HydroCon, November 23, 2015, *Additional Subsurface Investigation Scope of Work, TOC Holding Co. Site 01-323.*
3. HydroCon, February 11, 2016, *Additional Subsurface Investigation Report, TOC Holding Co. Site 01-323.*
4. HydroCon, March 23, 2016, *Remedial Investigation/Feasibility Study, TOC Holding Co. Site 01-323.*
5. HydroCon, April 29, 2016, *Cleanup Action Plan, TOC Holding Co. Site 01-323.*
6. HydroCon, May 12, 2016, *Tier II Vapor Intrusion Assessment Sampling and Analysis Plan, TOC Holding Co. Site 01-323.*

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 425.649.7235 or sending an email to [nwro\\_public\\_request@ecy.wa.gov](mailto:nwro_public_request@ecy.wa.gov).

The Site is defined by the extent of contamination caused by the following releases:

- GRPH, DRPH and BTEX in soil and ground water.

Enclosure A to this letter includes a detailed Site diagram.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the releases at the Site, Ecology has determined:**

- Petroleum and BTEX contamination at the Site is from past retail gasoline station operations. Releases are likely from four underground storage tanks (USTs) in the south area of the Property, two USTs in the north area of the Property and associated distribution pipes.
- An interim remedial action performed during 2014 entailed removal of five USTs, three in the south and two in the north areas of the Property. The fourth UST located in the south area was decommissioned in place. It is not clear how much soil was removed from the excavation. Implications from the Remedial Investigation and Feasibility Study (RI/FS) are that some soil was removed for disposal and some was used to backfill the excavation. What was the maximum depth of the south area UST excavation, were confirmation samples collected, and what was the base level of the tanks?

- Soil and ground water contamination remains in the southeast corner of the Property and in an isolated area east of the north area USTs. No characterization was performed throughout the west side of the Property. Some soil borings advanced to a minimum depth of 15 feet below ground surface (bgs) need to be installed in this area of the Property. Additionally, ground water wells should be installed in the west area to confirm that ground water was not adversely impacted by contamination in the hydrologically upgradient region at the southeast corner. The west half of the Property requires characterization because the entire Property is being evaluated as potentially being part of the Site. Characterization is necessary for completeness.
- The proposed remedy is to perform air sparging and soil vapor extraction. There is metals contamination at the Site that included lead in ground water. There is no remedy recommended for this contaminant. Additional potential contaminants should also be sampled and analyzed for including, arsenic, EDC, EDB, MTBE, and naphthalene (see list in Ecology's, "Guidance for Remediation of Petroleum Contaminated Sites", 2016, pg. 104).
- Ground water samples are only reported for two quarters. Additional sampling events are necessary. Ground water was explored to a depth of 15 feet. The depth of the water table is 7 to 11 feet bgs. Provide time-series plots of ground water elevations and contaminant concentrations plotted together. Show time-varying ground water flow directions. Use the three-point method at multiple wells along the flow-path to provide direction and gradient.
- Describe the adjoining properties. Are there other potential or confirmed sources of contamination in the area?
- There are 17 municipal wells reported within 1 mile of the Site. Where are the closest wells, what distance are they from the Site and how deep are they?
- Final cleanup will be contingent on achieving cleanup standards in all affected media (soil, ground water, and vapor). The success of the cleanup will be determined through collection of confirmation samples in all affected media.
- After the proposed remedial action, contamination is likely to remain beneath the building, in the south right-of-way (ROW), and beneath the UST closed in place. If contamination remains or cannot be confirmed, an environmental covenant for the Property may be necessary in order for the Site to achieve closure. Further remedial actions in the ROW may also be necessary.
- The data from the Site must be entered into The Ecology Environmental Information Management system upon submission of Site documentation to Ecology.

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- Additional guidance for preparing reports for submission to Ecology can be found at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>. The content in the checklist guidance is used to evaluate the completeness of reports submitted to Ecology.

**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.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at 425.649.7191 or email to [Eugene.Freeman@ecy.wa.gov](mailto:Eugene.Freeman@ecy.wa.gov).

Sincerely,



Eugene Freeman  
Site Manager  
NWRO Toxics Cleanup Program

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

cc: Craig Hultgren, HydroCon  
Mike Warfel, NWRO, Ecology  
Sonia Fernandez, VCP Coordinator, Ecology

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## **Enclosure A**

### **Description and Diagrams of the Site**

# 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.*

## **Site Definition**

The property is located at 301 Central Avenue North in Kent. The contamination at the Site is likely derived from a former retail gasoline station that was located on the Property. Contamination found in vapor, soil and groundwater at the Site include gasoline and diesel range petroleum hydrocarbons (GRPH, DRPH), benzene, toluene, ethyl benzene, and xylene (BTEX), and naphthalene.

## **Area/Property Description**

The property is occupied by one building that occupies the southeast quadrant of the Property with the rest of the property occupied by a paved parking and a paved drive-thru lane. There is a grassy stripe along the south and east Property boundary. The surrounding properties are all commercial businesses. The property to the north is an automobile repair shop, the property to the east is a retail store, the business to the south is a Jack in the Box restaurant, and the property to the west is a vacant lot owned by Sound Transit.

## **Property History and Current Use**

The Property was occupied by a retail gasoline service station from 1935 through 1972. In 1972 the service station was demolished and a restaurant was built on the Property. The Property is currently occupied by a Mexican restaurant called Taqueria El Risconsito.

## **Contaminant Source and History**

In 2010 a phase I environmental site assessment (ESA) was performed at the Property. At that time it was determined that six underground storage tanks (USTs) had occupied the Site. A phase II ESA discovered seven USTs remained in place at the property. Petroleum and petroleum related constituents were identified in soil and groundwater during the phase II ESA. In 2014 six of the tanks were removed and one was decommissioned in place. Characterization performed in 2015 indicate that contamination remains on and off Property in the soil and ground water.

## **Physiographic Setting**

The property is located in the Puget Sound Lowlands, within the Duwamish Valley Province. Surface elevation at the property is about 45 feet AMSL and the terrain is level at the Property and at the adjacent properties.

### **Ecological Setting**

The property is located in downtown Kent. The area surrounding the Property is largely commercial. There is no undeveloped land that can serve as habitat within 500 feet of the Property.

### **Geology**

The regional geology for near surface deposits in this area are typically fluvial or lacustrine in nature. Shallow soils consist of channel gravels and sands that occur in abandoned channels of the main rivers or silt, clay and peat overbank deposits. The soil at the Site was characterized based on borehole logs drilled during the site investigation. The soil is predominantly sand with varying amounts of silt. Samples were collected to a maximum depth of 15 feet bgs.

### **Groundwater**

Groundwater was observed at the site in borings and ground water wells at 7 to 8 feet bgs. The reported flow direction is to the west with a very low gradient.

### **Surface Water**

Surface water from the Property is collected as runoff by the City of Kent storm water system. There are no surface water features close to the Property. The Green River is about one mile to the southwest of the Property.

### **Water Use/Water Supply**

Water to the property is supplied by the City of Kent water distribution system. There are 17 water supply wells within 1 mile of the Site identified in the Remedial Investigation. However, the location of these wells was not provided in the report.

### **Release and Extent of Contamination – Soil**

The potential petroleum sources at the Property include a 6,000 gallon and a 5,000 gallon UST in the northeast area and four USTs with capacities between 500 to 800 gallons in the area south of the restaurant. Maximum reported concentrations of soil contamination at the property include 5,700 mg/kg for diesel, 14,000 mg/kg for gasoline, and 0.524 mg/kg for benzene in the south area. Oil range petroleum hydrocarbon was reported at 2,800 mg/kg at one boring near the USTs in the southeast area. There are no borings or ground water wells in the northwest area of the Property. Soil contamination appears to be localized in the south area.

### **Extent of Contamination – Groundwater**

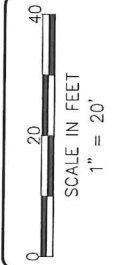
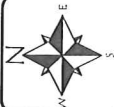
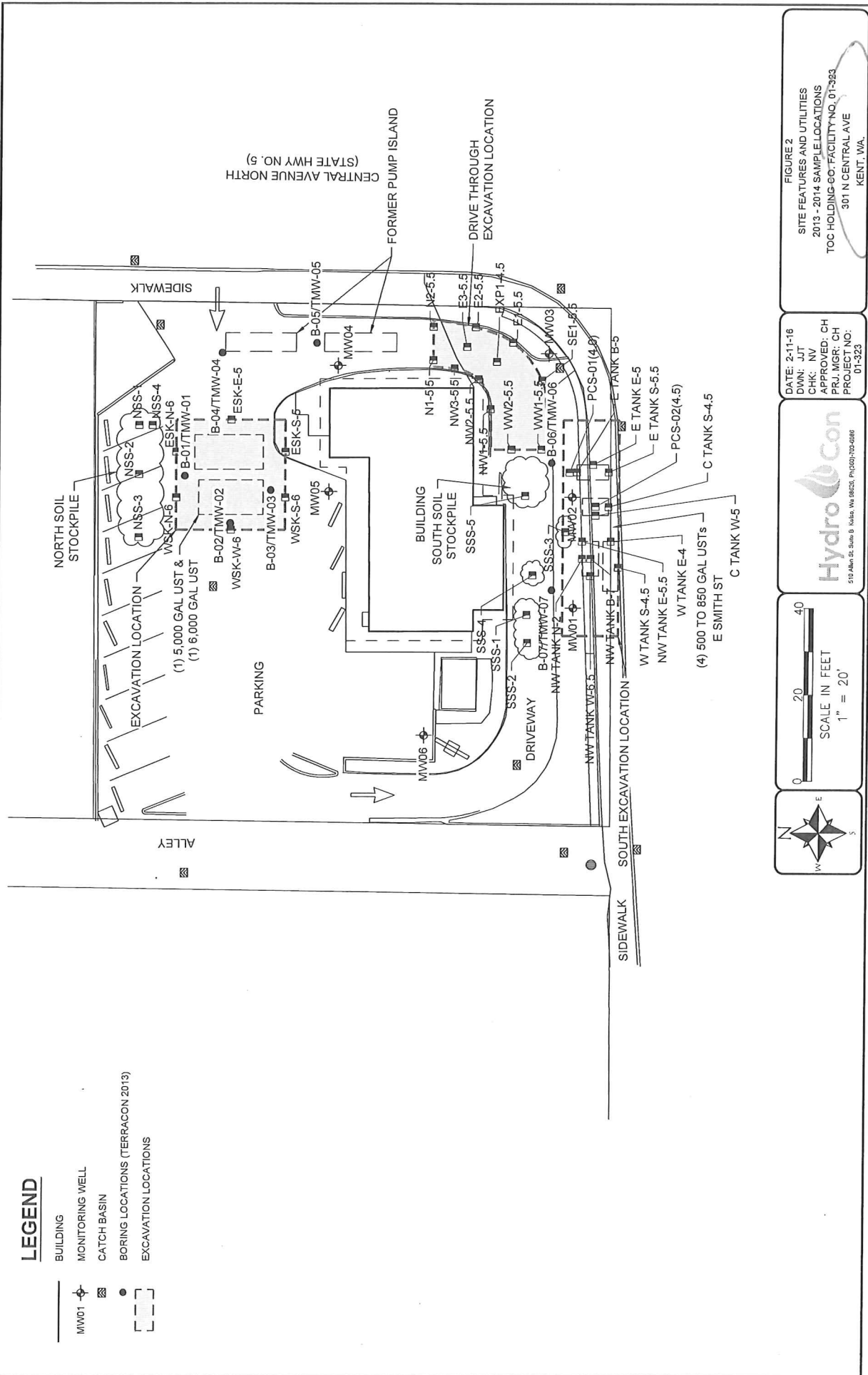
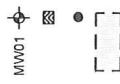
Ground water contamination is identified at monitoring wells MW02 and MW03 in the south area and include high diesel, gasoline, and benzene contamination at 4,600 µg/L, 4,300 µg/L, and 8.1 µg/L, respectively. Ground water is not reported in the wells to the west (MW01), northwest (MW06), or north (MW04, MW05). Petroleum contamination appears to be localized near the former tank location in the south area.

### **Extent of Contamination – Soil Vapor**

Three soil vapor samples were collected at the south (SG01), southwest corner (SG02), and west (SG03) sides of the restaurant. Exceedances of Ecology screening levels were observed for benzene, ethyl benzene, xylene, ethyl dibromide, naphthalene, and gasoline range petroleum hydrocarbons. The highest exceedances occurred at sampling location SG02, at the southwest corner of the restaurant.

**LEGEND**

- BUILDING
- MONITORING WELL
- CATCH BASIN
- BORING LOCATIONS (TERRACON 2013)
- EXCAVATION LOCATIONS



DATE: 2-11-16  
 DWN: JJT  
 CHK: NV  
 APPROVED: CH  
 PRJ. MGR: CH  
 PROJECT NO:  
 01-323

FIGURE 2  
 SITE FEATURES AND UTILITIES  
 2013 - 2014 SAMPLE LOCATIONS  
 TOC HOLDING CO. FACILITY NO. 01-393  
 301 N CENTRAL AVE  
 KENT, WA.

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